



BRIDES AND BRIDALS.



VOL. II.



# BRIDES AND BRIDALS.

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# CONTENTS

## OF

### THE SECOND VOLUME.

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CHAP.	PAGE
I. CHARACTERISTICS OF WOMANKIND IN OLD TIME . . . . .	1
II. THE SPINSTERS OF PAST TIMES . . . . .	25
III. MEDICAL WOMEN AND WHITE SLAVES . . . . .	41
IV. CLERICAL MARRIAGE . . . . .	52
V. LAY-MARRIAGES DURING THE COMMON- WEALTH . . . . .	67
VI. TAXES ON CELIBACY . . . . .	78
VII. CURIOUS MARRIAGES . . . . .	91
VIII. CLANDESTINE AND OTHERWISE IRREGU- LAR MARRIAGES. . . . .	104
IX. PRISONS AND 'LAWLESS' CHURCHES. . . . .	115
X. FLEET MARRIAGES . . . . .	122
XI. THE FLEET CLERGY. . . . .	149
XII. LORD HARDWICKE'S MARRIAGE ACT . . . . .	167
XIII. THE SAVOY CHAPEL . . . . .	192

CHAP.	PAGE
XIV. GREYNA-GREEN MATCHES . . .	203
XV. THE CARRYING AWAY OF HEIRESESSES .	217
XVI. TWO ROYAL FLEET MARRIAGES . . .	234
XVII. THE ROYAL MARRIAGE ACT . . .	250
XVIII. MARRIAGE WITH DECEASED WIFE'S SISTER	258
XIX. HONEYMOON TRIPS AND CARDS . . .	267
XX. SAMUEL JOHNSON ON MATRIMONY . . .	278
XXI. JEUX D'ESPRIT AGAINST WIVES . . .	289
XXII. DISSOLUTION OF PARTNERSHIP IN CA- THOLIC ENGLAND . . . . .	294
XXIII. DISSOLUTION OF PARTNERSHIP : THE ANGLICAN REFORMERS . . . . .	315
XXIV. DISSOLUTION OF PARTNERSHIP IN RE- CENT TIMES . . . . .	332
XXV. FAREWELL . . . . .	345
INDEX . . . . .	347

# BRIDES AND BRIDALS.

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## CHAPTER I.

### CHARACTERISTICS OF WOMANKIND IN OLD TIME.

IN estimating the effects of written law and custom on female character in olden time, we should never forget those natural forces of woman which mitigated the harshness of the artificial restraints of her condition, and often made her the actual ruler of the man who, by legal rules and social theory, was her despot. Human nature is stronger than the reasoning of pedants and the decrees of judges. In every century of our social annals, from the Heptarchy to the Reformation, the law proved itself the unwise bachelor that Mr. Bumble in these later days declared it to be. It proclaimed the wife to be, in all cases and under all circumstances, her husband's creature, servant, slave; whilst experience showed that he was often the victim of her caprice and the mere agent of her will. It placed a stick in his hands, and bade him use it for her correction; when, in many a case, the light of her merry eyes and the laughter of her saucy lips could at any moment

cause the executioner to drop the rod, and, kneeling, ask pardon at her feet. Alike in Anglo-Saxon and feudal England, the real tyrant of many a domestic circle was the dainty, winsome girl or bland matron, whom lawyers and beadles delighted to describe as a bondswoman subject to her master's lash.

But whilst we rate at their full worth the many influences which, moderating the severities of the law and giving effect to the softer desires of the human breast, occasioned a wide difference between woman's real estate and the condition assigned to her by social theory, we may not suppose that the stern rules were productive of no hardship to the majority of the gentler sex, or were altogether inoperative on the most powerful and fortunate of womankind. Of late years there has been a tendency in writers to understate the practical efficacy of the harsh laws, and to exaggerate the power of the moderating influences. After careful consideration of both sides of the question, the impartial inquirer arrives at the conclusion that the rules which assigned to our feudal womankind a state of qualified slavery were forcible in law and sentiment to a comparatively recent date of our history, and that, whilst fruitful of a vast amount of wretchedness to the generality of the softer sex, they helped to make the average Englishwoman of remote days a very inferior person to the average woman of Victorian England.

The facts and logical inferences from sure data, which bring the inquirer to this conclusion, are numerous. Foremost amongst them are the results which must have ensued from the husband's autho-



rected that ladies should be treated respectfully and tenderly.

Though less fruitful of physical anguish than it would have been had our men been less noble at heart and our women less beautiful in person, the discipline of the lash had upon the gentler sex the effects which it always produces on the weak, whose helplessness is not complete. The marital law, which resembled martial law in other particulars besides spelling, made its subjects imperfect slaves. It cowed and silenced, without utterly crushing, the feminine multitude. Whether we attribute the fact to intellectual inability or moral defect, it is significant of the abject bondage in which the majority of women were held in feudal England, that, whilst they were incessantly shot at by masculine satirists, they lacked the cleverness or spirit to retort on their assailants with sayings sufficiently piquant and vigorous to live in folk-lore. If their silence was due to lack of mental power, the want came from the debasing treatment accorded to secular womankind in every social grade but the highest. There is abundant evidence that, under circumstances favourable to intellectual health, woman in mediæval England possessed the same mental quickness and subtlety, as well as the same earnestness and courage, that distinguish her at the present day. Pursuing their studies in the seclusion and tranquillity of a religious college, the feminine pupils of the clergy acquired at least enough learning to show that stupidity was no attribute of their sex, and displayed enough cleverness to prove that wit was one of its special gifts. If, therefore, the ordinary women of feudal England

were silent to the defamers of their sex through mental defect, their intellectual weakness was the result of bad treatment. On the other hand, if they could have answered the proverb-makers with effect, their silence must be regarded as a pathetic proof of the fear in which they lived of their censors, to whose sarcasms and maddening invectives they dared not reply.

It is very worthy of observation that all the faults, which proverbial lore, doubtless with some justice, attributes to women, are precisely the faults which harsh treatment begets in the weak. Falsehood, cunning, perversity, and passionateness—failings proverbially common in our women of old time, and notoriously uncommon in well-nurtured girls of the present day—are exactly the failings which children still exhibit in proportion as they are governed unsympathetically and sternly. And it accords with all we know of human nature that, so long as they were subject to the old-fashioned stick-and-dark-closet treatment of naughty children, adult Englishwomen were apt to be sly, deceitful, wayward, and irascible. They were all the more prone to petulance, the special fault of spoilt children, because, their subjection being imperfect and their weakness under, being allied with great power over, their rulers, they were not treated with consistent severity—but with just such a fitful discipline of capriciously alternating harshness and indulgence as will spoil the temper of the best-natured child. Had their husbands been always stern and terrifying, the wives of old time might have acquired the virtue of unqualified submissiveness. But it was not in the

nature of things that the more excitable and choleric of them should consent amiably to an arrangement, which one day debased them to be mere slaves, ordered with menaces and driven with the thong, and raised them on the next day to do their own will with their owners.

One might be disposed to question whether the feudal women differed greatly in moral character from their female descendants of the present generation, if the evidence of the difference consisted solely of the pungent adages of folk-lore. But the testimony of the proverb-makers respecting the nature of the weaker sex, in times prior to its complete emancipation and civilizing nurture, is supported in a remarkable manner by writers not to be suspected of malevolence to the fair creatures, whom they represent as much more liable to sudden emotions of rage and furious frenzies than their fathers and brothers. In a scarcely successful attempt to account for the chief failing of the feminine temper, that learned physician, Lævinus Lemnius, attributes woman's unfortunate irascibility to the looseness and tenderness of her flesh, through which a sudden annoyance ran, like fire through straw, far more quickly than a sense of discomfort travelled through masculine bodies, of denser and harder muscle.\*

\* 'But daily examples,' says Lævinus Lemnius, 'testify that women are subject to all passions and perturbations, and that they will be cruelly angry and mad, when there is little or no cause for it; and that the distemper and rage of a woman is no lesse than is the distemper of the ayre and the clowds when they are exasperated with thunder and lightning, which, besides others that were desirous of wisdom, the Hebrews found true by their daily use and course of life, as we find it abundantly set down in

But Lemnius observed that this propensity to rabid anger was much less strong in ladies than in plebeian women. In other words, it was less noticeable in proportion as the student of feminine character, examining woman-kind from the lowest to the highest social grades, ascended the stages on which women were raised higher and higher above irritating experiences and brutalizing maltreatment. The philosopher, after the wont of physicians of his time, referred the inordinate furiousness of plebeian women to the 'faulty humours' of their bodies, which were

their writings. . . . For a woman's mind is not so strong as a man's, nor is she so full of understanding, and reason, and judgment, and upon every small occasion she casts off the bridle of reason, and like a mad dog, without choice, she sets upon all, be they known or unknown. If a man desires a natural reason for it, I answer him thus, that a woman's flesh is loose, soft, and tender, and causeth a sudden boyling of the blood about the heart. For as fire soonest takes hold of light straw, and makes a great flame, but it is soon at an end and quiet, so a woman is quickly angry and flaming hot, and rageth strangely; but this rage and crying out is soon abated, and grows calm in a body that is not so strong and valiant, and that is more moyst, and all her heate and fury is quenched by her shedding of teares, as if you should throw water upon fire to put it out. . . . And the baser that any woman is in that sex, the more she scolds and rails, and is implacable in her anger, as the vulgar women (for noble women and gentlewomen will usually observe decorum, though oftentimes they will be silent and bend their brows, and scarce vouchsafe to give their husbands an answer) because their bodies are commonly polluted with faulty humours, are full of impudence, joyned with equall malice, as if the Divell drove them, and they cannot be perswaded by counsell, reason, shame, flattery, admonition (that will ordinarily make wild beasts quiet), and you cannot hold them from their cruelty, or make them forbear their mad and lewd exclamations.'—*Vide* Lævinus Lemnius's 'Secret Miracles of Nature; in Four Books.'

of less pure blood than the bodies of ladies. But his facts show the seat of mischief to have been in the mind rather than the body, and accord with the belief that the plebeian termagants would have been much more tractable and kindly had they been treated from childhood like reasonable creatures.

Closely allied to the fervour of their temper was the cruelty which the passionate women of England in olden days often displayed to their dependents. The social annals of our Anglo-Saxon period comprise revolting stories of the barbarity of mistresses to their slaves; and in later times the lady of a castle or manorial seat was sadly, though by no means unaccountably prone to rule her children and domestics with a severity surpassing that of the lord whom she obeyed with fear. Towards her children she was the hard, unyielding governess, rather than the sympathetic guardian and adviser. Even when love of offspring was her strongest affection, she conceived it to be her duty to conceal her maternal tenderness under a mask of formality and frigid reserve. The sound of her footsteps in the corridor caused her children in the nursery to tremble, if they were aware of aught that could furnish her with a pretext for correcting them. At moments when, one might imagine, they could not fail to gain her smiles, she was cold and repellent. Lewes Vives, the educator of womankind in Tudor England, lays it down, in his treatise for the formation of feminine character, that the Christian mother should hide her gladness at seeing her children again after an absence, and should be especially fearful of making them love her too much, whilst their age precluded them from understanding

the nature of maternal devotion.\* It is wonderful that children thus nurtured should, on reaching maturity, have loved the petticoated martinets who had incessantly snubbed and scolded them in their tender years. But Vives declares that, as a man, he cherished for his mother an affection that corresponded in depth and vehemence to the fear with which she had inspired him in his childhood.

So long as wives lived under the lash, it was not required of them that they should endeavour to be the intellectual companions of their masters. Indeed it is a modern notion that a wife can contribute to her husband's happiness by her mental endowments. In our strictly feudal times she might, in homely and simple matters, prove herself his *help-mate*; but she might not presume to think of herself as his

\* 'If you wyl be loved in deede of your chyldren, and specially in that age whan they knowe what is true and holy love, than make them not to loue you ouer much whan they know not yet what love is, but sette more by a spice-cake, a hony-combe, or a piece of sugar than by both father and mother. No mother loved her childe better than myne dyd me; neither any childe did euer less perceive him selfe loved of hys mother than I. Shee neuer lyghtly laughed upon me; she never coked me; and yet whan I had been III or IIII dayes out of hyr house, that she wyste not where, shee was almost sore sycke. And whan I was come home, I coulde not perceive that euer she longed for me. Therefore was ther nobody that I more fled, or was more loth to come nyghe, than my mother, whan I was a childe. But after I came to yonge man's estate, there was no bodye whom I elited more to have in syghte, whose memory I now have in more reverence; and as ofte as shee cometh to my remembrance, I embrace her within my mynde and thoughte, whan I cannot with my bodye.'—*Vide* 'The Instruction of a Christen Woman, made First in Latyne, by the right famous clerke, Mayster Lewes Vives, and turned into Englishe by Richarde Pryde. 1557.'

*mate*, without the special qualification, or even with it, in higher affairs. It was enough for her to please him by her beauty, contribute to his comfort by the intelligent and sedulous discharge of a cooking house-keeper's duties, and feed his self-love by invariable docility and obsequiousness. If she were a woman of exceptional energy and tact, she might be thought capable of executing with cleverness his orders respecting affairs outside the domain of the kitchen, and even rise to be his steward; but his equal, in the sense in which wives are now-a-days deemed the equals of their husbands, she could not presume to be, without scandalizing her neighbours of both sexes.

In training girls for matrimony of this kind, the grand object of preceptors was to endow them with a submissiveness very different from the reasonable obedience which the modern wife is required to exhibit to her husband. What is now-a-days familiarly termed 'proper spirit'—the sense of dignity and the rectitude that now limit every good woman's readiness to comply with her husband's will—had no place amongst the recognized virtues of the feudal wife. She was bound by her marriage-oath to obey her lord in all things short of the commission of the most heinous crimes. The opinion that her sense of wifely duty would constrain her to participate in his minor crimes caused the law to exempt her from punishment for such participation. If he insulted her by his licentious faithlessness, incensed her by continual unkindness, and made her the daily witness of his monstrous vices, she was still obliged to love, honour, and obey him.

The most popular of all Boccaccio's novels—the

narrative which our Chaucer reproduced in the 'Canterbury Tales,' as the Oxford Clerk's Story, and which was retold in many forms in every land of Western Christendom as a precious illustration of wifely excellence—shows the execrable nature of the submissiveness required from the wives of feudal Europe.

Here are the chief facts of the story. The young Marquis of Saluzzo fixes his affections on a lovely girl of humble and needy parentage. King Cophetua's obsequious lords did not proclaim his beggar-maid 'more beautiful than day' until they had seen him in robe and crown step down to greet her. The Marquis of Saluzzo's courtiers were of Polonius's kind; and on learning that the plebeian Griselda Janicola had won their master's heart, they were quick to declare her worthy of it. The marriage of the Marquis and the maid is celebrated with acclamations, and, instead of being disappointed with his choice, the young lord finds her a miracle of goodness—gracious, intelligent, witty, zealous in pleasing, charitable, religious, and in every particular ready to obey him with unqualified cheerfulness. Nothing occurs to lessen their happiness, save that Griselda's first-born child is a daughter, when, of course, her husband wished it to be a boy. Solely in order that he may prove his wife's submissiveness, and see whether it is possible to goad her into rebellion, the Marquis tears this infant from her breast, and, sending it to Bologna for education, causes Griselda to believe that he has murdered the babe. Without a murmur, Griselda gives the baby to the agent of her husband's cruel purpose. 'Take it,' she says, meekly

and tearfully to the robber appointed to carry off her darling, 'and do what thy lord and mine has commanded; but prithee leave it not to be devoured by the fowls or wild beasts, unless that be his will.'\* She hopes that the murdered babe may be decently interred; but she will not murmur openly, though it be thrown to the wolves at her lord's orders.

\* Chaucer expands this part of Dioneo's concise narrative thus pathetically,—

' But at the last to speker she began,  
And mekely she to the serjeant praid,  
(So that he was a worthy gentil man)  
That she might kisse her childe, or that it deid,  
And in hir barme this litel child she leid,  
With ful sad face, and gan the childe to blisse,  
And lulled it, and after gan it kisse.

And thus she sayd in hire benigne vois;  
" Farewel, my child, I shall thee never see,  
But sin I have marked with the crois,  
Of thilke fader yblessed mote thou be,  
That for us died upon a crois of tree:  
Thy soule, litel child, I him betake,  
For this night shalt thou dien for my sake."

I trow that to a norice in this cas  
It had ben hard this routhe for to see:  
Wel might a moder then han cried alas,  
But natheles so sad stedfast was she  
That she endured all adversitie,  
And to the serjeant mekely she sayde,  
" Have here agen your litel yonge mayde.

Goth now (quod she) and doth my lordes hest:  
And o thing wold I pray you of your grace,  
But if my lord forbade you at the lest,  
Burieth this litel body in som place,  
That bestes ne no briddes it to-race."  
But he no word to that purpos wold say,  
But toke the child and went upon his way.'

*Vide* 'The Clerke's Tale.'

On the return of her lord, the bereaved mother receives him as gladly as ever, whilst believing him to be the murderer of his and her offspring. Ere long Griselda has a son, on whom she lavishes the love of a heart rich in maternal affection. This male child is treated like the sister,—sent off to Bologna for education,—whilst his mother is made to believe that her husband has murdered him. On learning from the Marquis that he intends to ‘dispose of this child as he did the other,’ the model wife replies, ‘My lord, study only your own ease and happiness, without the least care for me; for nothing is agreeable to me but what is pleasing to you.’\* The barbarous removal of her two babes in no degree lessens Griselda’s love of their apparent murderer. For years she lives to all appearance sufficiently happy in the faultless discharge of her wifely duties, when the Marquis—not because he has conceived an aversion for her, but merely that he may yet further

\* Chaucer makes her say,—

“I have,” quod she, “sayd thus and ever shal,  
I wol no thing, ne will no thing certain,  
But as you list; nought greveth me at al,  
Though that my doughter and my sone be slain,  
At your commandement: that is to sain,  
I have not had no part of children twein,  
But first sikenesse, and after wo and peine.

Ye ben my lord, doth with your owen thing  
Right as you list, asketh no rede of me;  
For as I left at home al my clothing  
Whan I came first to you, right so,” quod she,  
“Left I my will and al my libertee,  
And toke your clothing: wherfore I you prey,  
Doth your plesance, I wol youre lust obey.”

*Vide* ‘The Clerke’s Tale.’

try her goodness—tells her that he means to divorce her, on the strength of a Papal license permitting him to put her away and marry a woman of suitably noble birth. She must go at once back to her father's hut. Taunting her with the poverty from which he took her, he says ironically that she may have for her maintenance all the money that she brought to him. 'My lord,' the inimitable wife answers, 'I was always sensible that my servile condition would no way accord with your high rank and descent. For what I have been, I own myself indebted to Providence and you; I considered it as a favour lent me; you are now pleased to demand it back: I therefore willingly restore it.' She humbly returns to him the ring with which he wed her, and the very clothes that she is wearing. She does not even venture to retain a single garment for the concealment of her nakedness, until she has besought him to let her 'carry away one shift over and above her dowry'—of nothing. The Marquis allows her to keep this one article of dress. Then he turns her out of doors, penniless and forlorn, to creep back to the hovel from which he took her. Thus repudiated, Griselda continues to admire and love the man who has driven her from his door. Yet more,—she is still ready to obey him, though he has relinquished all marital authority over her. The preparations for the celebration of the Marquis's second marriage—with a damsel of fit beauty and lineage—are being pushed forward, when he sends for Griselda, and bids her, in the character of his menial housekeeper, superintend the domestic arrangements for the reception of her successor. 'I am going,' says the Marquis,

‘to bring this lady home whom I have just married, and intend to show her all possible respect at her first coming. Thou knowest I have no women with me able to set out the rooms, and do many other things which are requisite on so solemn an occasion. As, therefore, thou art best acquainted with the state of the house, I would have thee make such provision as thou shalt judge proper, and invite what ladies thou wilt, even as though thou wert mistress of the house; and when the marriage is ended, get thee home to thy father’s again.’ Griselda answers, ‘My lord, I am ready to fulfil all your commands.’ Having thus accepted a servant’s office, she does the work of the place thoroughly, and, in her servant’s dress, in due course welcomes her new mistress with cordiality and dutifulness. On being asked insolently by the Marquis what she thinks of his lovely bride, the divorced wife—for the first time showing how acutely she has felt his cruelty—answers, ‘My lord, I like her extremely well; and if she be as prudent as she is fair, you may be the happiest man in the world with her; but I most humbly beg that you would not take those heart-breaking measures with this lady which you did with your last wife, because she is young and has been tenderly educated, whereas the other was inured to hardships from a child.’ It is inconsistent with his insolent character that the Marquis of Saluzzo took this reproof patiently. Perhaps he felt that his divorced wife had more right to speak freely than she possessed in the days of her coverture. Perhaps he thought that he owed some leniency to the woman whom he had treated so barbarously. Anyhow he

replied to her approvingly; forgave her in respect of everything he had done against her peace of mind; informed her that the bride was her own daughter, and that the bride's brother was her own son; explained that, whilst she supposed them dead, her children had been suitably educated at Bologna; and told her that she was as much his dear wife as ever she was. Instead of apologizing for his cruelty to her, he hints that she ought to be grateful to him for governing her so judiciously.\* Having freed himself from the imputation of murdering his own children, he does not seem to imagine it possible for men to charge him with outrageous inhumanity to his wife. Of course, the Marquis and Griselda live happily ever afterwards.

Though it is asserted that the story of Griselda was founded on fact, no one can suppose that the

\* 'Griselda,' he says, 'it is now time for you to reap the fruit of your long patience, and that they who have reputed me to be cruel, unjust, and a monster in nature, may know that what I have done has been all along *with a view to teach you how to behave as a wife*; and to show them how to choose and keep a wife; and, lastly, to secure my own ease and quiet as long as we live together, which I was apprehensive might have been endangered by my marrying. Therefore I had a mind to prove you by harsh and injurious treatment; and not being sensible that you have ever transgressed my will, either in word or deed, I now seem to have met with that happiness I desired. I intend, then, to restore in one hour what I had taken from you in many, and to make you the sweetest recompense for the many bitter pangs I have caused you to suffer. Accept, therefore, this young lady whom you thought my spouse, and her brother, as your children and mine. They are the same you and many others believed that I had been the means of cruelly murdering; and I am your husband, who love and value you above all things; assuring myself, that no person in the world can be happier in a wife that I am.'—*Vide* Boccaccio's 'Decameron,' Bohn's Edition.

Marquis of Saluzzo was a realistic type of the mediæval husband, or that the wives of any land of feudal Europe were generally capable of the submissiveness which distinguished the fictitious heroine. The delineators of Griselda's character point to it as exceptionally virtuous, and contrast it humorously with the unruly disposition of ordinary womankind. Instead of being extolled or deemed altogether excusable, the Marquis's marital conduct is allowed by his historians to have been culpably deficient in considerateness and humanity. But the persons of both sexes in old time, who reprobated his cruelty, concur in applauding Griselda as an exemplar of wifely excellence. Her submissiveness to a tyrant, whom she believed to be a murderer, did not exceed the patience and docility which were appropriate to the feudal ideal of perfect wifely excellence. Even by those who ridiculed it as extravagantly untrue to real life, it was held to be a pattern of the complete obedience due from wives to their lords.

This is the fact which gives the heroine what may be termed her historic significance and value. To those of our ancestors who made her acquaintance in pre-Elizabethan times, it never occurred that she was a wicked woman for allowing, without struggle or protest, her babes to be taken away from her to be murdered; that she was a heartless wretch in continuing to live peaceably with the man whom she believed to have murdered them; that she was a mean-spirited slave for walking quietly out of her lord's house, at his bidding, with only a shift on her back, and again, at his order, returning to his palace to be his domestic servant without wifely rank; that

she rendered herself even yet more despicable by resuming her lawful position without a single exclamation of disgust at his barbarity. And yet, according to modern notions of womanly goodness and courage, the peerless Griselda was a mean slave, heartless wretch, and wicked woman. That such a character was applauded in feudal England and deemed a model for wives, tells us more than any laws and sermons of woman's abasement in past days.

That patient Grissel's character, apart from the humour and satire of her story, was seriously thought an example of womanly goodness, there is evidence in the praise bestowed by grave writers on feminine submissiveness that strongly resembled the enduring temper of the meek Marchioness. I will not horrify my gentler readers, and provoke their disapprobation, by giving them even an outline of the revolting circumstances under which Clara Waldauve, of Bruges, obeyed and *served* her conjugal master. But sterner inquirers into our social history, who wish for further enlightenment on the subject, may seek it in the treatise which the courtly ecclesiastic and 'right famous clerke,' Lewes Vives, produced for the edification of the most fastidious and delicate gentlewomen of the sixteenth century. It is enough to say that the 'model wife' of the confessor's narrative receives his unqualified commendation for the alacrity with which she discharged duties that in these days no man would venture to impose on a lady, and for the cheerfulness with which she endured a servitude of an utterly abominable kind. It illustrates the

change which three centuries have wrought in taste and manners, that I may only thus allude to a story which the ladies of Henry the Eighth's court were invited to study for their spiritual benefit.

Though it allowed them in many respects larger liberty of speech and action than their fair precursors in wedlock had enjoyed in pre-Reformation times, the social sentiment of Elizabethan England was by no means inclined to liberate wives from the obligation to obey their husbands precisely in all matters more important than the colour of a riband or the shape of a slipper. The husband was the wife's liege lord, and she was bound to submit herself wholly to his wisdom or folly, his justice or capriciousness. She might be his 'sweet ape,' as Chapman calls her,\* adopting his opinions, imitating

\* Chapman was one of the first English writers to advise husbands to have recourse to their wives for deliberate counsel on serious matters,—

' Let no man value at a little price  
A virtuous woman's counsaile ; her winged spirit  
Is feathered oftentimes with heavenly words ;  
And (like her beauty) ravishing and pure,  
The weaker bodie, still the stronger soule.  
When good endeavours do her powers applie,  
Her love draws nearest man's felicitie.  
O what a treasure is a virtuous wife,  
Discrete and loving ; not one gift on earth  
Makes a man's life so highly bound to heaven :  
She gives him double forces, to endure  
And to enjoy ; by being one with him,  
Feeling his joies and griefes with equal sense ;  
And like the twines Hippocrates reports,  
If he fetch sighs, she draws her breath as short :

his tones, and towards her inferiors exhibiting such arrogance as he displayed to her : but her demeanour to him was expected to mimic only his sweetest ways and humours. He was her sovereign, and if she saw rightly her true place and his sacred prerogatives, she would say with the penitent and reformed Katharine, in the final scene of 'The Taming of the Shrew,' to every unruly wife,—

'Thy husband is thy lord, thy life, thy keeper,  
Thy head, thy sovereign ; one that cares for thee  
And thy maintenance ; commits his body  
To painful labour, both by sea and land ;  
To watch the night in storms, the day in cold,  
While thou liest warm at home, secure and safe ;  
And craves no other tribute at thy hands,  
But love, fair looks, and true obedience :  
Too little payment for so great a debt.

If he lament, she melts herself in teares ;  
If he be glad, she triumphs ; if he stirre,  
She moves his way ; in all things his sweet ape ;  
And is, in alterations passing strange,  
Himselfe divinely varied without change.  
Gold is right precious ; but his price infects  
With pride and avarice ; authority lifts  
Hats from men's heads ; and bows the strongest knees,  
Yet cannot bend in rule the weakest hearts :  
Music delights but one sense ; nor choice meats ;  
One quickly fades, the other stirs to sinne,  
But a true wife both sense and soul delights,  
And mixeth not her good with any ill ;  
Her virtues, ruling hearts, all powers command  
All store without her leaves a man but poore ;  
And with her, povertie's exceeding store :  
No time is tedious with her ; her true worth  
Makes a true husband think his arms enfold  
(With her alone) a compleate world of golde.'

*Vide Chapman's 'Poems.'*

Such duty as the subject owes the prince,  
 Even such, a woman oweth to her husband :  
 And when she's froward, peevish, sullen, sour,  
 And not obedient to his honest will,  
 What is she, but a foul contending rebel,  
 And graceless traitor to her loving lord ?  
 I am ashamed that women are so simple  
 To offer war where they should kneel for peace ;  
 Or seek for rule, supremacy, and sway,  
 When they are bound to serve, love, and obey.  
 Why are our bodies soft, and weak, and smooth,  
 Unapt to toil and trouble in the world,  
 But that our soft conditions and our hearts  
 Should well agree with our external parts ?'

Respecting the nature and claims of marital authority, Milton's Eve in her innocence held views that Katharine, after her conversion, would have applauded. It was the man's function to order, and the woman's to obey without argument or delay. Addressing our prime forefather, Eve says, in accordance with doctrine inculcated by pulpiteers and writers in our women of the seventeenth century,—

' My author and disposer, what thou bidst  
 Unargued I obey : so God ordains :  
 God is thy law, thou mine ; to know no more  
 Is woman's happiest knowledge and her praise.'

But even Milton, whilst insisting thus imperiously on the husband's right to his wife's complete subjugation to his authority, appears, as Mary Wollstonecraft remarks in her 'Rights of Woman,' to have desired an equality of companionship between the husband and wife that was scarcely reconcilable with what may be called the domestic doctrine of passive obedience ; for he puts into Adam's lips the

following words, to which even Mr. John Stuart Mill, or any other defender of feminine dignity, can make no objection,—

‘Hast thou not made me here thy substitute,  
And these inferior far beneath me set?  
Among unequals what society  
Can sort, what harmony or true delight?  
Which must be mutual, in proportion due  
Giv’n and receiv’d; but in disparity  
The one intense, the other still remiss,  
Cannot well suit with either, but soon prove  
Tedious alike: of fellowship I speak  
Such as I seek, fit to participate  
All rational delight.’

What Milton really desired was wedlock, in which the two parties should be equal so long as the husband should be in a good humour, and unequal immediately the husband had a difference of opinion with his wife. And in this respect he resembled most of the husbands of his time,—perhaps, even resembled the proud Duke of Somerset, who reproved his second wife for venturing to put her arm tenderly round his neck, and giving him a kiss when he had no appetite for one. ‘Madam,’ said the astonished and outraged duke, ‘my first wife was a Percy, and *yet* she would not have taken such a liberty.’ When he desired her kisses the proud peer never charged his wife, albeit not a Percy, with presumption in venturing to give them. Milton took the same view of a wife’s opinions. She might offer them when her husband wanted them.

Whilst wives were thus required to think as their husbands thought, and keep their kisses and sentiments to themselves, except when their hus-

bands invited them to equal companionship, Sir John Davis could say nothing more to the credit of a model wife than this,—

*The Wife.*

‘The first of all our sex came from the side of man,  
I thither am returned, from whence our sex began.  
I do not visit oft, nor many, when I do ;  
I tell my mind to few, and that in counsel too.  
I seem not sick in health ; nor sullen but in sorrow ;  
I care for somewhat else than what to wear to-morrow.’  
*Vide ‘Poetical Rhapsody.’*

It devolved on this model wife to care somewhat and a great deal about the items of her house-book, and to do her utmost to keep the weekly ‘totals’ as low as possible. Economy—that is to say, the spirit of cheese-paring parsimony—was a virtue much prized in woman, when her highest ambition was to be a married housekeeper. Fuller, the historian and antiquary, tells how a gentleman of the seventeenth century, finding himself disposed towards matrimony, selected his wife from three sisters by observing the various characteristic ways in which they cut their cheese at supper. The eldest sister devoured her piece of cheese, rind and all ; the second cut the rind thickly and wastefully from her cheese ; the youngest scraped her portion of the cheese daintily before eating it, and thereby won the ‘match’ by proving herself at the same time delicate and saving. It is possible that the youngest of these cheese-eaters owed her good fortune in some degree to the fact that she *was* the youngest. Had she eaten her cheese, rind and all, whilst her eldest sister scraped her piece, the ‘honest gentleman’

would perhaps have chosen her on the ground that she was most economical of the three.

It was probably this story that gave rise to the droll anecdote of an Oxonian, who got his fellowship at All Souls by eating damson-tart more elegantly than all the other candidates for the preferment. It being known to the competitors for the fellowship that the fortunate one of them would owe his success to his behaviour under the damson-tart ordeal, they met in various ways the difficulty of the back-carriage of the plum-stones. Being all well-born, well-clothed, and fair musicians, they came to the damson-tart test with equal chances. One competitor spooned the stones after sucking them ; another fingered them ; the third swallowed them ; the fourth left his stones on his plate, without having put any of them into his mouth ; the fifth restored his stones to the plate without or spoon or fork or finger. It is obvious which of the five carried off the fellowship.

The records mention no case of a young lady who won a prize in matrimony by eating plum-tart elegantly, but they tell of many maidens whose skill in making pastry gained them husbands with good estates.

## CHAPTER II.

### THE SPINSTERS OF PAST TIMES.

IN Sir John Davis's 'Contention,' published in Davison's 'Poetical Rhapsody' (1602),\* each of the three disputants—the widow, the wife, and the maid—taunts the other two with the social disadvantages of their respective conditions, and declares the superiority of her own lot. The widow with

\* *Widow.* And if the maid and wife such honour have,  
I have been both, and hold a third degree ;  
Most maids are wards, and every wife a slave :  
I have my livery sued and I am free.

\* \* \* \* \*

*Wife.* Wives are fair houses, kept and furnish'd well.

*Widow.* Widows old castles void, but full of state.

*Maid.* But maids are temples where the gods do dwell,  
To whom alone themselves they dedicate.  
But marriage is a prison during life,  
Where one way out, but many entries be.

*Wife.* The nun is kept in cloister, not the wife :  
Wedlock alone doth make the virgin free.

\* \* \* \* \*

*Wife.* Go, widow, make some younger brother rich,  
And then take thought and die, and all is well.  
Alas, poor maid ! that hast no help or stay.

*Widow.* Alas, poor wife ! that nothing does possess.

*Maid.* Alas, poor widow ! Charity doth say  
Pity the widow and the fatherless.'

*Vide* 'The Contention.'

considerable truth calls her opponents slaves,—the one to her husband, the other to her guardians, and vaunts her own freedom from masculine government. The wife, after extolling the practical freedom of wedlock, retorts on the widow that she has no better prospect in this world than marriage with a younger son willing to take her for the sake of her dowry. The saucy damsel, after glorifying herself as a sacred temple of chastity, compassionates the wretchedness of the woman without either husband or father to govern her,—

‘Alas, poor widow ! Charity doth say,  
Pity the widow and the fatherless.’

This maiden, of smart speech, it must be admitted, was more proud of virginal dignity than most spinsters of her period : and it is probable that she took the earliest opportunity to exchange sacred celibacy for honourable wedlock, with a prospect of widowhood in the distant future.

It is generally believed and taught that our large and rapidly growing number of gentle spinsters, who are not required in the higher classes for the purposes of matrimony, is the peculiar and distinguished feature of English society in the nineteenth century. But, notwithstanding the greatness of number of our gentlewomen shut out by circumstances from the qualified bliss of wedlock, it remains to be proved that they bear to the men of our gentle ranks, or to the whole population of the country, a larger proportion than the gentle spinsters of feudal England bore to its men of the aristocratic grades, or all its inhabitants. In the absence of the

statistics that could alone answer the question precisely, it would be absurd for any writer to be positive on this point. But I incline to the opinion that the ladies of our educated ranks, who are debarred from marriage by conditions beyond their control, do not bear a much larger proportion to the entire feminine strength of our superior classes, than the gentle spinsters of mediæval England maintained to the entire army of the gentle womankind of their times. We hear much now-a-days of the thirty per cent of English ladies who must die early or live to be 'old maids,'—to use, in perfect courtesy, a discourteous term; but we have lost sight, and hear just nothing, of the mediæval precursors of this thirty per cent of the fair sex.

The number of gentle spinsters in mediæval England, who after being trained for matrimony failed to enter that estate, was certainly considerable; and the number who never found careers of usefulness as wives and mothers was still greater, in times when many a girl of gentle birth was consecrated from the cradle to religious celibacy. The nunneries afforded shelter to many girls and women who had either experienced the cares of wedlock, or who left their collegiate walls to become matrons. But when due allowance has been made for children under education, and ladies under no vow of celibacy, the majority of the gentle womankind housed in the nunneries of feudal England consisted of women who never married.

Life-long celibacy was also the lot of a considerable, perhaps the larger, part of the well-born and honourably taught women who found their liveli-

hood and employments in castles and manorial halls as gentle serving-women. Many of these ladies of course married well, and many more of them made fair matches; but hundreds of them to the last earned board and wages as needlewomen, lace-makers, cooks, laundrywomen, housemaids, in days when domestic labour was not thought despicable, and a poor squire's or knight's daughter earning her subsistence in a gentle household, in any one of the above-named capacities, was as creditably placed as the well-born, fashionable governesses and school-mistresses of Victorian England.

Because the population of the country was comparatively small in feudal England, it is imagined by many persons that the young men of the feudal houses, who were desirous of marrying, had comparatively little difficulty in getting the means of establishing themselves as husbands. There was the vast wealth of unreclaimed land open to the industry and enterprise of young farmers. What more simple than that a bachelor in love should, under such circumstances, 'seize the plough, and nobly independent live?' Many things were more easy. Land cannot be reclaimed without capital as well as labour; and feudal society was sorely deficient of the money wherewith to procure the live and dead stock of husbandry. Moreover, the husbandman's vocation was so generally despised in the chivalric ages, that men of noble lineage or merely gentle ancestry were thought to lose caste by having recourse to it. Hence considerations of pride and dignity restrained bachelors of goodly lineage from turning farmers. If they were landless, or without a sure prospect of

succeeding to ancestral estate, they entered the monastic colleges, or, sinking their pride, took orders as secular clergy, or subsisted as gentle serving-men, *i. e.* as the salaried courtiers, paid lacqueys, liveried dependents of a wealthy kinsman or other important person. Like their cousins and sisters, the gentle serving-women, the bachelors of this last kind hoped for better things. They might fascinate and steal heiresses; they might provide for themselves by marrying widows with large dowries; or a war might occur in time to give them a chance of distinguishing themselves and winning the material rewards of fortunate valour. But they certainly were in no better position to marry portionless maidens than the aristocratic youngsters who subsist in the western quarters of modern London on irregularly-paid allowances of 200*l.* or 300*l.* per annum.

The foreign commerce which now-a-days covers the land with opulent homes, governed by matrons and maidens of happy experiences, had no existence. At the same time our internal trade was comparatively trivial; and, though young men of honest stocks might seek their fortunes in the higher departments of trade, those limited fields of profitable enterprise were closed to gentle aspirants without money in their pockets.

In these days of clerical marriage, our thousands of beneficed clergy require almost as many wives. But in mediæval England the priest was, with only a few exceptions to the rule, wifeless. The regular clergy, who held, and spent chiefly on themselves, the revenues and fruits of a prodigious portion of the real estate of the country, never married. The same

may be said of the wealthier ecclesiastics of the secular ranks. The few seculars who, in defiance of canons and bishops, perpetrated furtive wedlock with plebeian women, contributed nothing to the matrimonial chances of girls in the higher social grades. When England had little trade, just no commerce, a celibate clergy, and a vast quantity of her most productive land especially set apart for the maintenance of gentle bachelors, the girls disposed towards matrimony, albeit comparatively few, were not more likely to become 'sweet apes' than are the marriageable girls of modern England, respecting whom social reformers are asking, 'What is to be done with them?' Bearing these facts in mind, my readers will perhaps agree with me that our growth of means for the support of wives has kept pace with the increase of the population wishing to become wives.

But the outlines of the case in support of this opinion have not been given, whilst it remains to be said that the stationariness of population in our feudal times demonstrates the strength of the artificial restraints on matrimony. This feature of our social life in old time is most noteworthy. Under circumstances favourable to marriage, our race has proved itself the most prolific on the face of the earth. Due allowance being made for the effects of wars, pestilences, and other destructive calamities, it may be stated as a rule, that when Anglo-Saxon families, instead of multiplying, have only replaced the natural waste of time and death, the stationariness of population is referable to circumstances which checked the natural tendency to wedlock.

Moreover, our social records and early literature abound with other evidence of a state of things most unfavourable to the matrimonial desires of woman-kind. The greed and sharpness with which the negotiators of marriage-contracts in the days of chivalry used to haggle and bargain for a few pounds more or less of pecuniary consideration, and the way in which treaties for marriage were set aside for commercial reasons, are most significant of the prevailing dearth of money, and of the depressing effect which that dearth had on the wishes of lovers. And whilst the poor bachelors of feudal England would not marry because they were too poor, the rich ones often avoided wedlock from just such selfish considerations as determine the conduct of the confirmed club-bachelors of modern London. In Henry the Eighth's time Cardinal Pole was represented, in a manuscript tract, as so sensible of the evils accruing to the common weal from the stagnation of the marriage-market, and from the increasing unwillingness of well-to-do bachelors to undertake the responsibilities of wedlock, whilst spinsters suitable for them abounded in every part of the land, that he desired to incite the delinquents to matrimony by 'subjecting bachelors to heavy taxes, and placing upon them several humiliating social disabilities. An annual income-tax of a shilling in the pound on all income, howsoever derived, and an additional yearly tax of threepence in the pound on all the chattels of every bachelor possessing portable goods to the amount of four pounds, were the penalties which the Cardinal of the 'Dialogue' wished to place on every single man wilfully and

maliciously avoiding wedlock;\* the sums accruing from the two taxes to be employed for the relief of indigent families, and the portioning of 'pore damssellys and vyrgynys' with a view to their marriage. Yet further, the ecclesiastic of this remarkable document proposed that bachelors should be ineligible for all municipal offices and other places of honour and trust. But the most noteworthy and piquant of the suggestions attributed to the Cardinal is the proposal that all secular priests should forthwith be made to marry. Besides being a man of lively humour, in thus crediting Pole with a desire to see every parochial clergyman with a wife, if his benefice could maintain her, the author of the 'Dialogue' shows his good sense in indicating how injuriously the interests of womankind were affected by clerical celibacy.

The great difference between the spinsters of old and the unmarried gentlewomen of modern England, appears in the fact that whereas the former—partly from comparative mental dulness, partly from abundance of daily employment, and partly from the influence of their education in submissiveness—were

\* The Cardinal, speaking of wilful bachelors, would 'allure them to the procreatyon of chylde, but also certayn panys prescribyng to them whych from matrimony for theyr plesur wold abstayne,—as, fyrste, they schold euer take al suche honowre and exytymatyon as ys gyven to maryed men, and neuer to bere offyce in theyr cyte or towne where they abyde; and, besyde this, me semyth hyt were a conuenient payne, that euery bachelor, accordyng to the portyon of godys and landys, schold yerely pay a certayne summe, as hyt were of euery pownde xii d., wych yerely cumyth in, other by fe, wagys, or land; and euery man that ys worth in mouabul godys aboue iiii li. of every pownd iiid. the whych some schold euer be reseruyd in a commun place, to be

generally resigned to their fate and the world's treatment; the latter, by reason of their fuller knowledge, finer sense of justice, and nobler conceptions of the purposes of existence, no less generally desire a larger sphere of useful and congenial activity. Taking life as it came, the spinsters of old time were upon the whole content to believe that, because things were so, it was right that they should be so. God made the earth and all things in it; and it was not for them to question whether it could not be improved and relieved of some of its unpleasant things. This simple faith afforded them several consolatory principles and precepts. All persons were not meant to be alike happy. It was part of the Creator's design that some people should be more or less fortunate, and others more or less miserable. If it was necessary for His design that they should be amongst the more or less miserable, it did not matter much: for life was brief, and after it came heaven, whither they would go if they worked steadily, prayed regularly, and did the priests' bidding. Thus the old-world spinsters reconciled themselves to life, when they had lost temper with

dystrybutyd partely to them wych have more chylldur then they be wel abul to nurysch, and partely to the dote of pore damosellys and vyrgynys. And yf case be that they wych thus abstayne vtturly from maryage dye in that maner, they schold be constreynyd, by ordur, to leue the one halfe of al their gudys to be dystrybuted aftur the maner before preserybyd; and prestys the hole: euer provysyon made that nothyng schold be alienat to the fraud of the law. And so, aftur thys mean, I thynke in few yerys the pepul schold increse to a notabul noumber. Thys I juge, among other, to be a syngular remedy for the sklendurnes of our polytyke body. How say you, Master Lupton? Ys hyt not so?

it. But it was not often that they troubled themselves about the whys and wherefores of existence, which was as much 'a muddle' four or five centuries since as it was the other day, when poor Stephen Blackpool vainly tried to make it out. Having come into a world,—where they were needed to stitch, and wash linen, and spin thread, and knit woollen clothes, and do other useful things,—they went out of it without having discovered that they were slaves to men, or imagining that masculine fraud and despotism had deprived them of their natural rights. In fact, they were for the most part meek and yielding creatures, drilled to subservience, and altogether incapable of asserting themselves.

This mode of feminine life became less and less general as women came to be better taught, and placed more and more above the influence of servile fear. Woman entered on a new period of her history when civilization permitted her to learn her letters, and took the stick from her master's hand. She had travelled far on the road to liberty when she had established her right to choose literature for her own reading from the shelves of her circulating library. And now, if she has not arrived at the fulness of freedom and at perfect equality with man, she is on the point of achieving her ambition to be his *mate*, without the qualifying prefix. In congratulating her on her almost perfect victory, let men, who worship goodness and love freedom, acknowledge that their satisfaction at what she has done *for* herself and *by* herself in these later years arises from the belief that in helping herself she has been helping both sexes forward to a better life, and from the convic-

tion that man's happiness increases with the growth of woman's liberty.

The battle between masculine privilege and feminine right, which is still being fought out to the foreseen end, began at a much earlier period than is generally supposed. Instead of beginning in the present century, woman's revolt had assumed threatening dimensions more than a hundred and thirty years since, when Sophia, the author of 'Woman not Inferior to Man' (1739), declared the natural ability of womankind to labour efficiently in all the various callings in which men gained the means of subsistence. She demanded that women should be admitted to all the learned professions with the exception of the clerical vocation, from which it appeared to her that the gentler sex was excluded, not by her inherent weakness, but by a Divine order issued for mysterious reasons, the sufficiency of which it would be impious to question. Without venturing to speak positively respecting the Divine motives for excluding womankind from sacerdotal offices, Sophia thought it probable that the exclusion resulted from the Divine desire to lure men to the religious life, which was repugnant to the masculine temper. Women, having a strong 'natural propensity' to 'virtue and religion,' required no bribes to stimulate them to goodness. They would love the church, though forbidden to sit in her chief seats. But impious and stubborn men would probably have universally repudiated all religious obligations, if they had not been conciliated to the ways of holiness by a grant of a monopoly of the sacerdotal privileges.

Sophia asked that all public (secular) offices should be thrown open to female candidates,—a demand that went beyond all which recent advocates of woman's rights in this country have at present ventured to ask for the political enfranchisement of the gentler sex. It appeared to her that, of all the callings and industries monopolized by men, the medical profession was one in which properly educated women would be most likely to surpass their masculine competitors.\* Admitting that the generality of Englishwomen in the higher social classes exhibited frivolousness, mental lightness, and moral infirmity, inconsistent with her high estimate of the natural capacities of the fair sex, the 'Person

\* 'Our sex,' says Sophia, 'seems born to teach and practise physic, to restore health to the sick, and preserve it to the well. Neatness, handyness, and compliance, are one half of a patient's cure; and in this the men must yield to us. Indeed, in our turns we must yield to them in the art of inventing hard names, and puzzling a case with a number, as well as adding to a patient's grievance with the costliness, of remedies. But we can invent, and have invented, without the help of Galen or Hippocrates, an infinity of reliefs for the sick, which they and their blind adherents could neither improve nor disapprove. And an old woman's receipt, as it is termed, has often been known to remove an inveterate distemper, which has baffled the researches of a college of graduates. In a word, the observations made by women in their practice have been so exact, and built upon such solid reason, as to show more than once the useless pedantry of the major part of the school systems. . . . Thus far, I insist, there is no science or public office in a state which women are not as much qualified for by Nature as the ablest of men. With regard, however, to divinity, our natural capacity has been restrained by a positive law of God: and therefore we know better than to lay claim to what we could not practise without sacrilegious intrusion. Though, by-the-by, let it be observed that the bar which our Divine Saviour has put to our exercising any re-

of Quality'—the person of very strange and unsavoury quality in the opinion of our grandfathers of the Second George's time—insisted that the obvious defects of her weaker sisters were due to masculine mismanagement and the wretched badness of female education.

More than half a century after the publication of Sophia's 'Woman not Inferior to Man' (1739), that noble though greatly erring woman, Mary Wolstonecraft, demanded, in her 'Vindication of the Rights of Woman' (1792), that the medical profession should be thrown open to women, and that they should be allowed to vote for the election of members of parliament.\* It marks the change which has

ligious functions, neither bars us from any other public offices, nor proves us unworthy or naturally incapable of exercising even them. However, if it is lawful to reason at all upon the Divine precepts, we may assign a reason which carries its own probability with it, and rather redounds to the honour than disrepute of our sex. *God undoubtedly knew the general tendency of the men to impiety and irreligion; and therefore why might He not confine the functions of religion to that sex, to attract some of them at least to those duties that they have such a general apathy for?* Especially since the natural propensity of our sex to virtue and religion made it unnecessary to add any of those external helps to His Divine grace, in order to win us to what our hearts lead us to.'—*Vide* 'Woman not Inferior to Man : or, a Short and Modest Vindication of the Natural Right of the Fair Sex to a perfect Equality of Power, Dignity, and Esteem with the Men. By Sophia, a Person of Quality.' 1739.

\* 'I may,' says Mary Wolstonecraft, timidly hinting rather than firmly declaring woman's right to political enfranchisement, 'excite laughter by dropping a hint, which I mean to pursue some future time, for I really think that women ought to have representatives, instead of being arbitrarily governed, without having a share allowed them in the deliberations of government. But, as the whole system of representation is now, in this country,

been effected in the last eighty years in social opinion, with respect to the claims of the advocates of woman's rights, that the 'Vindication,' which covered Mary Wolstonecraft with opprobrium, and caused ordinary folk to denounce her as 'an infidel and monster of immorality, made for the fair sex no demand which is not at the present day allowed to be a fit subject for deliberate consideration in parliament and public assemblies. It asked for woman sounder and more liberal education, a larger measure of legislative justice, and a share in the lucrative industries monopolized by men. It urged that marriage ought not to deprive a woman of her power to

only a convenient handle for despotism, they need not complain, for they are as well represented as a numerous class of hard-working mechanics, who pay for the support of royalty when they can scarcely stop their children's mouths with bread.'—*Vide* 'A Vindication of the Rights of Woman' (1792). The claim, which eighty years since even Mary Wolstonecraft, with an apprehension that her words would provoke a storm of almost universal ridicule, only dared to suggest thus timidly, has become a chief article in the programme of a political party, has won the approbation of a considerable number of our most thoughtful and truly gentle women, and has been embodied in a legislative proposal that has received the respectful consideration of the whole, and the cordial support of an important minority, of the House of Commons. With respect to woman's fitness for the medical profession, and her need of higher culture and more work, Mary Wolstonecraft remarked, 'Women might certainly study the art of healing, and be physicians as well as nurses. And midwifery decency seems to allot to them, though I am afraid the word midwife, in our dictionaries, will soon give place to *accoucheur*, and one proof of the former delicacy of the sex be effaced. They might, also, study politics, and settle their benevolence on the broadest basis; for the reading will scarcely be more useful than the perusal of novels, if read as mere biography; if the character

possess and acquire property, and rob her of other privileges accorded by the law to spinsters, who, though no less deserving, were not more worthy of the law's confidence than the wives of honest men. Its author had the hardihood to declare that women would be better wives and mothers if they were better taught; that intelligence and energy were more valuable qualities in the mother of a large family than servile submissiveness to marital authority; and that particularly meek wives were often egregious simpletons.

Now that seventy years and more have elapsed since poor Mary Wolstonecraft Godwin paid in anguish and shame a heavy penalty for the grave,

of the times, the political improvements, arts, &c., be not observed . . . . Business of various kinds they might likewise pursue, if they were educated in a more orderly manner, which might save many from common and legal prostitution. Women would not then marry for a support, as men accept places under government, and neglect the implied duties; nor would an attempt to earn their own subsistence, a most laudable one! sink them almost to the level of poor abandoned creatures. For are not milliners and mantua-makers reckoned the next class?—*Vide* Mary Wolstonecraft's 'Rights of Woman.' It is noteworthy that Mary Wolstonecraft's notion of how history should be written for popular usefulness passed from her to her husband, William Godwin, and from him to Lord Macaulay. Speaking of wives remarkable for their meekness and helplessness, Mary Wolstonecraft says, 'To be a good mother, a woman must have good sense, and that independence of mind which few women possess who are taught to depend entirely on their husbands. Meek wives are, in general, foolish mothers; wanting their children to love them best, and take their part, in secret, against the father, who is held up as a scarecrow. When chastisement is necessary, though they have offended the mother, the father must inflict the punishment: he must be the judge in all disputes.'—*Vide* 'Rights of Woman.'

though not inordinately heinous, offences of her domestic life, she deserves to be commemorated gratefully by womankind as a brave pioneer and martyr in a cause that is on the threshold of triumph.

## CHAPTER III.

## MEDICAL WOMEN AND WHITE SLAVES.

THE ladies of our time who, repeating the appeals of Sophia, the person of quality, and Mary, the woman of letters, entreat that they may be admitted to the ranks of the medical practitioners, recommend no novel experiment, but merely ask society to revert to an old usage countenanced by the general action of mankind. In feudal times our practitioners of medicine and surgery were, for the most part, women. The mediæval herbalists and bone-setters who ministered to the ailments and tended the broken limbs of our ancestors in pre-Reformation days, were, in nine cases out of ten, persons of the gentler sex, who had acquired surgical and remedial knowledge directly or indirectly from the monasteries. The obstetric department of surgery was altogether in the hands of women, whose best teachers were monks familiar with Albertus. In a later period, when Harvey and his contemporaries had entered into competition with the wise women, the male obstetricians had but few patients in comparison with the surgical women; and even to the present day a large proportion of our English families, especially those of our northern towns and outlying country districts, have never employed men to

render the obstetrical services which are most appropriately rendered to women by operators of their own sex.

Throughout the seventeenth century the male operators in this department of surgery steadily gained ground on the female practitioners, but it was not till the middle of the last century that the latter sank into a condition of servile subordination to the former. In Charles the Second's London, women were amongst the most prosperous and respected practitioners of medicine. They occupied good houses in the best parts of town, and were regarded as gentlewomen by right, not in spite, of their vocation. Mrs. Elizabeth Cellier, the fashionable London obstetrician of the Restoration period, lived in her own house in Arundel Street, Strand; and when she was tried at the Old Bailey for publishing her '*Malice Defeated*,' the counsel and witnesses for the prosecution marked their respect for her office and status by terming her '*the gentlewoman at the bar*.' Further light is thrown on the position of the medical ladies of the seventeenth century by Mrs. Cellier's spirited defence of her calling in her '*Letter to Dr. —. Answer to his Queries*.' From this remarkable epistle it appears that, during the interval between the suppression of episcopacy and the Act of Uniformity, the medical gentlewomen of London were regularly examined as to their professional attainments at the Surgeons' Hall, before they were placed on the roll of qualified practitioners; and that the board which tested their proficiency consisted of six male and six female surgeons. The official evidence of these noteworthy

facts was lost, together with all the other archives of the Surgeons' College, in the Great Fire of London in 1666; but with respect to the main features of the arrangements for the Ladies' Examinations at Surgeons' Hall during the Commonwealth, testimony sufficient for the purposes of the social historian may be found in Mrs. Cellier's tract.\*

Concerning the origin of the episcopal licenses of the female obstetricians Mrs. Cellier was at fault. That Bonner drew up a new form of license, and even composed the oath for surgical ladies, which may be found in 'The Book of Oaths' (1649), is not improbable; but the episcopal control of the feminine obstetricians dates from a time prior to the sixteenth century. In his 'History of the Reformation,' Burnet observes, with regard to this ecclesiastical practice, 'In the Church of Rome, pursuant to their belief concerning the necessity of sacraments, women were allowed in extreme cases to baptize; and the midwives commonly did it, which might be the beginning of their being licensed by the bishops to exercise that calling.' Thus, whilst women, comparatively learned in medicine and surgery, were

\* 'Nor did the bishops pretend to license midwives till Bp. Bonner's time, who drew up the form of the first license, which continued in full force till 1642; and then the physicians and chirurgeons contending about it, it was adjudged a chyrurgical operation, and the midwives were licensed at Chyrurgeons' Hall, but not until they had passed three examinations, before six skilful midwives, and as many chyrurgeons expert in the art of midwifery. Thus it continued until the Act of Uniformity passed, which sent the midwives back again to Doctors' Commons, where they pay their money, take an oath which it is impossible for them to keep, and return home as skilful as they went thither.' —*Vide* 'Mrs. Elizabeth Cellier's Letter to Dr. ——.'

specially appointed by the Church to perform offices generally discharged now-a-days by male operators, they were also authorized under certain circumstances to administer the sacrament of baptism to new-born infants.

But though on the revival of the old usages of the Church, after the Act of Uniformity had become law, our medical ladies were required to apply for licenses to the Ordinary of the diocese in which they resided, as in former time, the spiritual authority had no power to compel obedience to its decree in this matter. In Roll's 'Abridgment,' ii. 286, it is laid down, ' Si un suit soit en le Spiritual Court vers un feme pur exercer le trade d'un midwife sans license del Ordinary enesutre les Cannons, un prohibition gist, car ces nest ascun spiritual function de que ils hont conusans.' But custom and social sentiment enabled the bishops to retain for several generations their ancient control of the medical ladies. So late as the earlier part of the eighteenth century, the woman who wished to practise obstetrical surgery applied to the clergyman of her parish for a certificate of her respectability and social fitness for the work. Besides her pastor's certificate, she was required to present a recommendation, signed by matrons who had experienced her skill, to the bishop or his chancellor, who then invariably granted the license — which, though it did not guarantee much professional knowledge in its holder, was a desirable testimonial of her respectability. The licensed lady paid for her diploma fees varying between seventeen and nineteen shillings. In the diocese of Gloucester, in Bishop Warburton's time, the fees for her license

amounted to 17s. 6d. When kind Mr. and Mrs. Yorick obtained a license to practise obstetrical surgery for a poor widow of their parish, it is recorded in 'Tristram Shandy,' that they and their coadjutors in a charitable work paid 18s. 4d. for the instrument, which Didius subsequently improved by the addition of 'a neat formula of his own devising.' Readers need not be reminded how much of the humour of Sterne's famous novel relates to the mutual jealousies and antagonisms of the doctors and medical ladies of the earlier years of the eighteenth century. The date of Tristram's birth being November 5, 1718, there is sufficient authority for the statement that women, holding episcopal licenses to practise the obstetrical art, continued to discharge some of the most important functions of the qualified medical practitioner almost down to the time when Sophia asserted the fitness of womankind for the medical vocation, and within seventy years of the period when Mary Wolstonecraft regretted that male surgeons had to a great extent deprived her sisters of one of their ancient and most remunerative employments.

But whilst expressing satisfaction at what has been done during the last three hundred years for the liberation of womankind from marital despotism, I cannot agree with all the statements which woman's too fervid defenders are wont to make respecting her present state and past experiences. It seems to me that a good cause is sometimes injured in public esteem by the impetuous and indiscreet champions, who, whilst exclaiming against the inordinate authority of husbands in olden time, and against the

obvious hardship of several of our laws respecting women, forget that heavy responsibilities were attached to the excessive powers, and that the law which needs amendment is not without evidences of man's considerateness for and generosity towards the gentler sex. The student desirous of forming just judgments respecting the relations of the sexes, should not forget that, in times when landholders were required to bear arms for the defence of their sovereign and country, the law empowered men to dispose of their property so that much of the real estate of the kingdom came into the possession of women, whose physical weakness incapacitated them for military service. And instead of manifesting an indisposition to exercise this power for the benefit of the gentler sex, men displayed so general a propensity to endow their wives too liberally, that the law found it necessary to restrain a spirit of munificence which threatened evil to the commonwealth.

Again, with respect to the law which renders a husband the possessor of his wife's property. At present this rule is productive of grievous injustice in every class of the community. It gives the profligate husband the power to squander on his vicious enjoyments the money which his unoffending wife acquires by inheritance or industry. Women of every rank are often cruel sufferers from the unfair arrangement which thus makes the man, not in mere theory, but in hard practice, the actual possessor of his wife and all her possessions. The earl's daughter sees the legacy left her by an aunt go towards the payment of her scampish husband's 'debts of honour,' instead of being spent on the education

of her neglected children. The clever female artist—in music, *belles lettres*, or painting—sees her painful earnings swept away by a sottish thief, who requires the means for a holiday at Baden-Baden. The thrifty washerwoman, on returning to her humble dwelling with the weekly sums paid to her by her employers, may be required to give the contents of her purse to a drunken scoundrel, who, though he may not blacken her eyes with his fists, is merely exercising his legal privilege to do his lawful pleasure with ‘his own property,’ when he carries off to the nearest gin-palace the money required by his industrious wife to buy bread for his babes.

No words are needful to demonstrate the cruelty of such outrages of strength against weakness, or to show the injustice of the law which makes such things possible. But in fairness to the originators of the rule it must be remembered that they lived in times when personal property being very scarce, the majority of women never inherited any estate more valuable than a few articles of household furniture and wearing-apparel; and when, moreover, it was not foreseen that married women would ever be able to acquire large sums of money by services higher than the offices of domestic drudgery. In declaring the husband to possess his wife’s property, as well as her person, the law rarely gave him much; in the great majority of cases it gave him nothing. Beyond her wedding-trousseau and presents, which were of no very considerable value, the average bride of old time seldom brought her husband anything. For centuries, as we have seen, she not only came to him portionless, but he had to pay a considerable

price for her person. Marriage by fascination had been in vogue for generations ere it was common, even in the wealthier ranks of society, for the damsel of a young man's affections to be what would now-a-days be termed 'a girl of money.' In enunciating a principle that deprived the woman of no substantial advantage, and seldom enriched the man by more than a few groats, the law may have flattered the self-love of the latter at the expense of courtesy to the former, but it was guiltless of the iniquity charged upon it by some of our modern reformers. In a period when wives were in theory honourable, and in too common practice dishonoured slaves, the law would have indignantly refused to sanction such wrongs against married women as are daily perpetrated in modern England under its name and by force of its dictum.

Moreover, let it be borne in mind that to the privilege, which in ninety-nine cases out of every hundred never enriched the husband perceptibly, the law attached a responsibility which was apt to be burdensome, and often resulted in his grievous impoverishment. If he might take possession of her few chattels and discount her slender expectations, the husband was on the other hand required to support her, though, through sickness or mental infirmity, or moral badness, she contributed nothing to his comfort and material prosperity. He was bound to pay her debts contracted during her coverture. He was required to pay her debts contracted before she came into his possession. To this day he is thus made commercially responsible for her, in consideration of his right to take and hold her property. Should legal reform

take from him the right to seize and spend her property, it must at the same time relieve him of the obligation to pay her debts and under all circumstances to support her. This is clear. It would be injustice, worse than any pecuniary injustice of which women complain, to give a rich wife the possession of her wealth, and still make her needy husband responsible for her debts. It would be absurd to place the heiress in secure possession of 10,000*l.* a-year—heiresses in novels never have less than 10,000*l.* a-year—and make her husband, with 50*l.* a-year, not only answerable for her pecuniary engagements, but bound to maintain her. It may be questioned whether women would upon the whole be benefited by the legal change which, whilst giving them all the rights in property that men enjoy, should deprive wives of their right to proper sustenance from their husbands. In the wealthier classes of society they would perhaps be gainers from the change; but it is doubtful whether the case would be so in the lower social grades.

Another mistake, often made by the more impulsive and one-sided advocates of woman's rights, is to shut their eyes to the pleasant circumstances of the fairly-placed wife in the higher grades of English society, and to argue as though wives were in the majority of cases the wretched slaves to masculine ferocity and selfishness that they may become under the maltreatment of exceptionally bad husbands.

To disputants of this vehement and wild sort, one is tempted to reply with counter-statements of the misery occasioned to patient, inoffensive men—the wretched creatures whom Jeremy Taylor com-



for the other details of his personal needs. Perhaps he allows himself another hundred or so a-year for horse-exercise, so that he may preserve his health and continue to be an efficient white slave. All the rest of his earnings goes to his wife. It is she who has the mansion in a fashionable square, the carriage and horses, the liveried servants, the pleasant country-house, the works of art and luxury furnished by obsequious tradesmen, the friends who throng her drawing-rooms on nights of reception. As a matter of course, she spends on her personal adornment ten times as much as he requires for his dress. And why should she do otherwise? She has her white slave, and enjoys the pleasures which it is his delight to lavish upon her. Whatever of his income is withheld from her immediate expenditure is laid by in sure investments for *her* future provision, or for the needs of *her* children. Knowing the value of her white slave, she has proper care for his health, comfort, peace of mind, and working powers. Flattered by his devotion, grateful for the beneficial results of his industry, and sensible of his numerous merits, she pets, caresses, and admires him, whilst she checks him or gives rein according to her pleasure. He is not the less a white slave because he rejoices in being what he is.

## CHAPTER IV.

## CLERICAL MARRIAGE.

HAVING described at great length the results of clerical marriage on the Church and Society in a former work of social illustration known to most of the readers of these volumes, I shall, on the present occasion, only touch lightly on a change that has for more than three hundred years affected beneficially the matrimonial interests of English womankind.

It is impossible to say whether the privilege of marriage, reluctantly accorded by our spiritual chiefs in the sixteenth century to the clergy, has been more advantageous to the ecclesiastical order or to the gentler sex. It is certain that the alteration has been fruitful of prodigious good to both. Whilst, on the one hand, it has drawn to the clerical class through the wedding-ring a large proportion of the wealth created by the industry of laymen, and has added greatly to the political security of the Established Church, it has, on the other hand, furnished successive generations of the gentler sex with a matrimonial field in which hundreds of thousands of educated Englishwomen have, since the Reformation, experienced the delights and discharged the functions of wedlock under peculiarly favourable circumstances.

But it may not be imagined that, on the concession of matrimonial privileges to the clergy, either the sacerdotal persons or the fair sex showed any general alacrity to avail themselves of the permission which, in course of time, changed the character of our priesthood and brought our womankind of the superior social grades into close domestic intercourse with their spiritual advisers.

Alike amongst the clergy and the laity a strong feeling existed against married ecclesiastics for many years after the final triumph of Protestantism. Queen Elizabeth had so vehement a repugnance to clerical marriage, that she found it difficult to treat married ecclesiastics with civility or proper respect. Her wedded bishops were required to keep their wives in private lodgings, at a distance from their official dwellings; and even though the new mode of clerical life was sanctioned by her primate's example, and commended by several of her most eloquent preachers, she persisted in speaking of clerical wives as persons holding an indefinable position between infamy and honest repute. In this respect she reflected the sentiment of all the Catholics and two-thirds of the Protestants in the higher social ranks. At the universities and amongst the dignified ecclesiastics the disapproval of bewived priests expressed itself in contemptuous rudeness to the offenders, and in endeavours to hinder their professional advancement. Whilst Bishop Hall defended the honour of the married clergy in a learned and cogent treatise, the dons of Oxford and Cambridge were wont to decry as academic black sheep the few heads of houses and other clerical personages who had the indecency

to bring their wives within the boundaries of either university.

Even by those who favoured clerical marriage, to the point of declaring that no ecclesiastic should be disesteemed for having perpetrated marriage from conscientious motives and for righteous ends, it was generally allowed that clergymen ought not to marry, if they could live with innocence in celibacy, unless they were of opinion that by taking wives they could increase their usefulness to the Church and their fellow-creatures. This was the view of liberal Elizabethan laymen who gave their daughters in wedlock to exemplary clergymen. In a priest the act of wiving was under no lawful circumstances positively sinful. It might have the excuse of absolute necessity. Cases sometimes occurred where it was positively virtuous. But even the champions of the wedded ecclesiastics were in some degree under the influence of the sentiments which inspired the Councillors of Trent to curse the miscreant who should presume to teach that wedlock, however holy,\* was as virtuous and blissful as the single estate. In his 'Priest to the Temple,' George Herbert describes the model 'country parson' as a minister who, 'considering that virginity is a higher estate than matrimony, and that the ministry requires the best and highest things, is rather unmarried than married.' Even to the close of the

\* 'De Sacramento Matrimonii. Canon X.—Si quis dixerit, statum conjugalem anteponendum esse statui virginitatis, vel cœlibatus; et, non esse melius ac beatius, manere in virginitate, aut cœlibatu, quam jungi matrimonio; anathema sit.'—*Vide* 'Canones et Decreta Concilii Tridentini.'

seventeenth century clerical biographers affected to regard a clergyman's marriage as an act by which he 'condescended to a lower estate.' Commending Dr. Hammond, the famous Royalist divine, for refraining from wedlock and dying an old bachelor, Bishop Fell, married man though he was, spoke of the doctor as having 'thenceforth courted and espoused (what he preserved inviolate) unto his death the more eminent perfection of spotless virgin chastity.'

Whilst matrimony was regarded as an estate to which clergymen might not condescend unless their condescension followed from a desire to do good to their parishioners, or from a conviction that it was the only course by which they could avoid sin, the young priest was much less free than he is now-a-days to please himself in choosing a conjugal partner. If it was imagined that he selected his wife from any earthly consideration—such as regard for her beauty, elegance, wit, wealth, or showy accomplishments—he could never hope society to take a charitable view of his domestic condition. If he wished to escape even the suspicion of being actuated by unrighteous motives, he made his offer to a spinster whose age, private means, and personal endowments placed him beyond the reach of malicious censors. It was thought creditable in him if he took to his home a lady whose sharpness of temper, according with her want of physical attractiveness, rendered it probable that he was deliberately sacrificing the peace of his fireside, in the hope of softening her asperity. If he wished for the approval of the largest possible number of his parishioners and acquaintances, he placed his matrimonial interests in

the hands of some discreet counsellor or a committee of several advisers, and eventually married a bride whom he had wooed by deputy after she had been selected for him by his friend, or friends. It was in this way that the judicious Hooker and Bishop Hall became married men, with strangely dissimilar fortunes in wedlock.

When Mrs. Churchman, the clever landlady of the Shunamite's House hard by St. Paul's Churchyard, had persuaded the gentle Richard Hooker that his delicate constitution needed the constant care of an affectionate spouse, the bashful recluse conceived that the lady, who knew so well *what* he wanted, was of all persons the one best qualified to select a suitable person to minister to his requirements. It would misbeseem him, as a servant of the Church, to squander time in looking about for a wife, and to inspect critically a score of blushing damsels before taking one to his taste. It was unfit that he should have any taste in the matter, which was nothing else than an arrangement for the preservation of his health, and for the increase of his usefulness. He, therefore, instructed the considerate Mrs. Churchman to do what was best for him, and to call him up from Oxford to be married when she should have found a fit maiden for him. And when in due course he linked himself to Mrs. Churchman's daughter, he had all the more confidence in the goodness of the chosen creature, because she was his agent's own child. Even to his High-Church friends, who deplored his condescension to wedlock as a discreditable misadventure, his plan of fitting himself with a helpmate seemed appropriate and decorous, though

his simplicity had in their opinion made him the dupe of a designing matron. Had Mrs. Churchman been worthy of his confidence, they would have merely regretted his weakness in deciding to take a downward step, but would have refrained from blaming him for trusting her. As it was, they consoled themselves for his lapse by reprobating Mrs. Churchman's artfulness, and magnifying the evil qualities of Mrs. Hooker, who—though she compelled her learned husband to rock the baby's cradle and tend the sheep, and used her shrill tongue much too freely—was probably a less faulty woman than her husband's admirers would have us believe. Anyhow Richard Hooker had so much respect for his wife that he appointed her to be the sole executor of his last testament.

Joseph Hall did not commission a self-seeking gentlewoman to procure him a convenient wife; but it is certain that, when the future Bishop of Norwich was the pastor of a cure 'in that sweet and civil country of Suffolk, near St. Edmund's Bury,' he wedded a bride chosen for him by his particular friend, 'the grave and reverend minister, Mr. Grandridge.' It was at a wedding party, to which he and Mr. Grandridge were invited, that he first saw the young lady pre-appointed to be his spouse ere ever he set eyes upon her. As the two clergymen approached the festal house, 'a comely and modest gentlewoman standing at the door' attracted the attention of Joseph Hall, who asked his companion if he knew her. 'Yes,' answered Mr. Grandridge, 'I know her well, and have bespoken her for your wife.' The reply seems to have taken Hall by

surprise, though it is not probable that Mr. Grandridge would have gone so far as to 'bespeak' a particular lady, unless he had received some general commission to find an eligible bride for his friend. 'When,' says the prelate in his autobiography, 'I further demanded an account of that answer, he told me she was the daughter of a gentleman whom he much respected, Mr. George Winniff, of Bretenham; that out of an opinion he had of the fitness of that match for me, he had already treated with her father about it, whom he found very apt to entertain it, advising me not to neglect the opportunity, and not concealing the just praises of the modesty, piety, good disposition, and other virtues that were lodged in that seemly presence.' Having listened to his friend's counsel as a motion sent from God, Joseph Hall wooed and won the gentlewoman of seemly presence, with whom he lived in 'comfortable society' for forty-nine years. It is noteworthy that, in his account of his introduction to his helpmate, or, as he prefers to call her, his 'meet-help,' Bishop Hall—the most eloquent and famous of the Elizabethan advocates of clerical marriage—speaks of his union with Miss Winniff of Bretenham as his 'condescension to the necessity of a married estate.' Even to the author of 'The Honour of the Married Clergy' celibacy was a higher condition than wedlock.

When Hackett, rector of St. Andrew's, Holborn, and Cheam, Surrey, and subsequently Bishop of Lichfield and Coventry, took to himself a conjugal partner to enliven his quiet parsonage at Cheam, he was so sensible of the loss of sacerdotal honour at-

tending his unpriestly conduct, that he could not summon up courage to confess his misbehaviour to his patron, Lord Keeper Williams, in after-time Archbishop of York, until the latter, having heard of the affair by one of rumour's side-winds, graciously took coach and paid a complimentary visit to his shame-faced *protégé* and the pretty bride. It is something to the credit of Bacon's successor on the woolsack, that he treated Mrs. Hackett on this occasion with extreme kindness, and was at pains to tell her husband that, though he forgave him for marrying her, he would never forgive him should he treat her unkindly.

George Herbert, the pious priest and sacred poet, may be mentioned as another of the clergymen who married less at the instigation of their own hearts than at the order of affectionate counsellors. Though only a deacon when he entered matrimony, he was enough of a priest to feel himself degraded by his action, and to find comfort in reflecting that his suit to Miss Jane Danvers' affections had been conducted with all the sacerdotal decorum possible to overtures of love. First of all, he desired Jane for his wife, whilst she was still personally unknown to him, from the reports given of her spiritual graces by divers religious and heavenly-minded persons who possessed her friendship. In the next place, Jane Danvers had fallen in love with him, though she had never seen him, from the fame of his goodness. Lastly, on their introduction to one another, the young deacon took Jane, and she took him, on trust in the representations of their common friends; and on the third day after their first interview they were joined together in

sober matrimony, without any exhibition of earthly exaltation or frivolous delight.

On his return to Bainton from Bemerton, after his induction to the office of priest of the last-named parish,—an event that occurred within four months of his wedding-day,—George Herbert delivered to his aristocratic bride a seasonable address on the social status of a clergyman's wife, and enjoined her henceforth to be chiefly remarkable for her Christian humility. 'You are now,' he said, 'a minister's wife, and must now so far forget your father's house as not to claim precedence of any of your parishioners; for you are to know that a priest's wife can challenge no precedence or place but that which she purchases by her obliging humility; and I am sure places so purchased do best become them: and let me tell you that I am so good a herald as to assure you that this is the truth.' In making which declaration of the social status of an ecclesiastic's wife, the clerical husband gave utterance to no conceit of his own brain, but to a rule of heraldic law which was rigidly observed in the seventeenth century, and still maintains its force in denying to bishops' wives titular participation in their husbands' degree. Secular wives partake of their husbands' social distinctions, and bear titles significant of their lords' superiority to plain commoners,—the peer's wife attaining a peeress's rank by her marriage; and the ladies of baronets and knights being accredited by courteous usage with a style that proclaims them the sharers of their husbands' elevation. But to this day an archbishop's wife is called 'Mistress,' unless she has derived a title of nobility from some source

distinct from her primate's honour. In fact, she is styled less honourably than the dame of any tradesman who has been knighted.

Many a bride of Jane Herbert's lineage would have received with displeasure the information that she was henceforth to consider herself as inferior to all secular womankind, having any pretensions to gentility, in her husband's parish. But Mrs. Herbert had not been commended extravagantly by the approvers of her meekness and docility. Instead of firing indignantly at the intelligence, she assured her husband that 'it was no vexing news to her, and that he would see her observe it with a cheerful willingness.'

But in spite of the loss of worldly honour that accrued to them from marriage with spiritual spouses, English gentlewomen of the later half of the seventeenth century displayed a preference for clerical suitors that perplexed Clarendon the historian, who, in his inability to give a better reason for what he thought a discreditable anomaly, attributed it to the disturbance which the revolutionary troubles of the age had produced in social relations and sentiments. Indeed there were cases of gentle spinsters, of exemplary goodness and docility, who, in their desire for the edifying conditions of clerical wedlock, laid aside their pride and customary decorum so far as to offer themselves as brides to the ministers in whom they delighted. A Puritan who declined a bishopric rather than make a compromise between his selfish interests and his conscientious disapproval of episcopacy, Richard Baxter, cherished none of the sentiments which caused the highest churchmen of his

period to regard matrimony as an imperfectly virtuous estate, incompatible with sacerdotal holiness. But in the belief that, by withdrawing him to some extent from his professional labours and cumbering him with earthly cares, wedlock would diminish his zeal and usefulness in his sacred calling, he had avoided matrimony till his forty-fifth year, when Margaret Charlton, a 'pious and devout young lady,' born of a good family and possessing 2000*l.*—a considerable fortune for a gentle spinster in the seventeenth century,—entertained the righteous ambition to become Mrs. Richard Baxter.

It was after his migration from Kidderminster to London, on Charles the Second's restoration, that the reverend celibate became the object of Margaret's affection. He was engaged in theological study in his London chamber when he was disturbed by the entrance of a gentlewoman, who visited him to plead the young lady's cause. On learning the business which had brought the fair agent to his room, the good man, unaware that Margaret stood on the staircase outside his study-door, and within hearing of his words, vehemently explained that the proposal was too preposterous for him to entertain it seriously for a single moment. Having lived till middle age in celibacy, he could not, without incurring a charge of madness, marry a woman to whom his sense of duty would forbid him to be an habitually attentive husband. His studious labours and the interests of nonconforming Christians would require all his time, energies, and sympathy, and leave him neither leisure nor will for marital service. This was the substance of his reply. As his earnest and loudly

uttered words reached Margaret's ear, her heart sank within her; and if alarm and despair had not emboldened her to take a course inconsistent with maidenly reserve, she would have returned to her abode enduring the keenest mortification that feminine nature can suffer. Bursting into the divine's study, she fell on her knees at his feet, and made her prayer in the following terms:—‘Dear Mr. Baxter, I protest with a sincere and real heart, I do not make a tender of myself to you upon any worldly or carnal account, but to have a more perfect converse with so holy and prudent a yoke-fellow, to assist me in the way to Heaven, and to keep me steadfast in my perseverance, which I design to God's glory and my own soul's good.’ The devout scholar wavered; and, like the woman who hesitates, the man who wavers is lost. Margaret Charlton retired from the scene of this strange piece of religious romance, happy in knowing that she had achieved the most arduous part of her purpose. Richard Baxter became her husband. But before the union of the lovely girl and middle-aged minister was solemnized, it was stipulated between the contracting parties, ‘First, That Mr. Baxter should have nothing which before marriage was hers, that so he (who wanted no outward supplies) might not so much as seem to marry her for covetousness. Secondly, That she should so order her affairs that he might not be entangled in any lawsuits about the same. Thirdly, That she should expect none of his time which his ministerial employment should call him for.’

Margaret fulfilled precisely her part of the agree-

ment. When Lord Chancellor Clarendon for a second time urged the resolute clergyman to accept a mitre at the sacrifice of a few trivial scruples, and when the bride's friends urged her spouse to comply with the Chancellor's request out of affectionate heed for her material interests, she spoke no word to lure her master from what he conceived to be the path of duty. Instead of repining at his reiterated refusal of a bishopric, she applauded his steadfastness: even to the day of her death, which did not arrive until she had shared with him the gloom of imprisonment and the sorrows of persecution. If her mode of winning her husband was less than womanly, her manner of serving him was more than heroic.

Elsewhere I took occasion to show how great Lord Macaulay erred in representing that Queen Elizabeth's injunction respecting the wedlock of priests was designed to discredit clerical marriage and that the clergy of the seventeenth century, who condescended to matrimony, generally linked themselves to women of extremely humble, if not abject condition. The waiting-women whom Elizabeth's rectors and vicars took in wedlock were not such domestic servants as now-a-days minister to prosperous employers, but 'gentle serving-women' whose social respectability was not inferior to that of the young ladies of our middle ranks whom young clergymen are in the present day proud to marry. By saying that no clergyman of Elizabeth's time might 'presume to marry a servant-girl without the consent of her master and mistress,' the popular historian proved his ignorance of the terms of the injunction which he rashly cited in support of his astounding

misstatement. But his principal blunder arose from his misconception of the quality and training of the gentle serving-damsels, whom he imagined to resemble, in respect of birth, education, and degree, the housemaids and lady's-maids of modern England. Such a misapprehension would have been startling in any writer. But it is keenly comical in the historian who especially undertook to portray the social life of the times under his consideration. In proportion as they have risen in wealth and aristocratic quality, our national clergy have experienced greater facility in securing well-born and affluent wives; but there never was a time when any considerable number of our hierarchy married such persons as the pungent caricaturist imagined.

One of the most noteworthy consequences of clerical marriage was Dr. Assheton's successful application to evils, resulting from death, of a system of insurance similar in principle to that which men of business had previously employed for mitigating the calamitous consequences of fire and shipwreck. There is no need to set forth in the present work the details of the Doctor's rude scheme of Life Assurance, or the opposition which he encountered, from ignorant and contemptuous critics, before he induced the Court of the Mercers' Company to give it a trial, which speedily resulted in the establishment of Life Assurance Offices in the capitals of our united kingdoms. The particulars of that singular episode in commercial romance and social story have been stated elsewhere with sufficient minuteness. But without incurring a charge of egotism I may, at the close of this chapter on clerical

marriage, remind my habitual readers that our modern system of Life Assurance was shown in my 'Book about the Clergy' to be distinctly traceable to the abolition of clerical celibacy.

## CHAPTER V

## LAY-MARRIAGES DURING THE COMMONWEALTH.

A POPULAR error, which had its origin in the political animosities of the seventeenth century, causes many people to imagine that, throughout the Commonwealth period, marriages were seldom or never solemnized in our parochial churches. Some persons are even under the misconception that the legislature of that changeful time expressly forbade wedlock to be celebrated in the sacred edifices which the extreme Puritans were wont to call steeple-houses. The only foundations of fact for these historic fictions are—that the Commonwealth legislators prohibited the use of the Anglican order for the solemnization of matrimony, together with the other services of the Common Prayer-book ; that they instituted a mode of civil marriage similar in spirit and purpose to our modern marriages before lay-registrars ; and that for a few years they declared that no marriage should be valid which was not performed before a justice of the peace, in accordance with the measure for the regulation of marriages enacted by the Barebones Parliament in the year of our Lord 1653.

By this measure it was ordained that after September 29, 1653, all spouses desirous of fulfilling their promises of marriage should deliver to the

proper parochial registrar or registrars a statement of their purpose, together with all requisite particulars of their names, places of abode, and, in case they were under the age of twenty-one years, of the names of their parents, guardians, or overseers. On receiving proper instructions, the registrar of marriages was required to publish the banns, of persons designing to intermarry, in the church or chapel of the parish of each spouse, on three several Lord's days after the Morning Service, or else in the market-place of the nearest market-town on three several market-days, between the hours of eleven and two. How banns were published in the public meeting-places of farmers and cattle-dealers, in compliance with this last-named provision, has been described in a previous chapter of this work.

Having duly published the banns of the couple about to intermarry, the registrar was directed by the statute to give them a certificate, which they carried to some justice or justices of the peace of their town or neighbourhood, who forthwith declared the marriage lawful and complete, after causing the spouses to join hands and exchange the binding promises.\* The groom was required to make his

\* An old number of the 'Gentleman's Magazine' contains the following certificate of a lay-marriage, solemnized in 1654:—  
'South'ton. Forasmuch as Leonard Stacey, of Strathfield Saye, in this countie, husbandman, and Joane Grantham, of the same, spinster, have, this present day, to me come before mee, and made it appear, that there hath byn due publication made in the parish of Strathfieldsaye aforesaid, three several Lord's Dayes, of an intended marriage between the said Leonard Stacey and Joane Grantham, there appearing no objection then nor since against the same; and whereas the said Leonard Stacey and Joane Grantham have now, in the presence of God, before mee, and these wit-

promise thus: 'I, *A. B.*, do here in the presence of God, the searcher of all hearts, take thee, *C. D.* for my wedded wife; and do also, in the presence of God and before these witnesses, promise to be to thee a loving and faithful husband.' The bride responded: 'I, *C. D.*, do here in the presence of God, the searcher of all hearts, take thee, *A. B.*, for my wedded husband; and do also, in the presence of God and before these witnesses, promise to be to thee a loving, faithful, and obedient wife.' She promised to be an obedient wife; but no degrading engagement to *serve* her husband, *i.e.* to be his slave, was extorted from her.

The Barebones Parliament declared that this ceremony before the civil magistrate was requisite for the validity of the civil contract; but its members were not so foolish as to forbid the bride and groom, together with their friends, to say their prayers, either before or after the secular rite, at church or at home, and entreat the Almighty to bless their union. In the majority of cases the wedding was religiously solemnized in church, after or before the performance of the purely civil affirmances, hereunto subscribed, mutually and solemnly engaged to perform each to other the particular obligations of marriage, as directed by the late Act of Parliament concerning marriages, &c.: These, therefore, do certify all persons whom it may concern, that, by virtue and authority of the said Act unto mee given, one of the justices of the peace within this countie, I do hereby declare and pronounce the said Leonard Stacey and Joane Grantham to be husband and wife, from this tyme forward. In testimony whereof I have hereunto put my hande and scale, this second day of October, in the yeare of our Lord 1654. Fra. Tilney.—Witnesses hereunto, Oliv. St. John, Wm. Thayre, Edw. Payne, John Abory.—*Vide* 'Gentleman's Magazine.'

tion in the magistrate's parlour, the sacred celebration being effected in accordance with the instructions of the 'Directory for Public Worship.'\* It is, moreover, especially deserving of attention that, whilst the law of the Commonwealth period never forbade matrimony to be celebrated in the churches, it did not persist in requiring the observance of the secular form for more than three years. When the Protector's Parliament, in the year 1656, confirmed the marriage law of the Barebones Assembly, it excepted from confirmation the clause, 'That no other marriage whatsoever within the Commonwealth of England shall be held or accounted a legal marriage.'

\* The matrimonial service appointed by the 'Directory' consisted of a solemn prayer by the officiating minister, an extempore declaration made by the same person of the ends of marriage, and an exhortation to the bride and bridegroom, followed by joining of hands (without the use of the ring) and exchange of promises. 'After solemn charging,' says the 'Directory,' 'of the persons to be married, before the great God, who searcheth all hearts, and to whom they must give a strict account at the last day, that if either of them know any cause, by precontract or otherwise, why they may not lawfully proceed to marriage, that they now discover it; the minister (if no impediment be acknowledged) shall cause, first, the man to take the woman by the right hand, saying these words: "I, *M.*, doe take thee *N.*, to be my married wife, and doe in the presence of God, and before this congregation, promise and covenant to be a loving and faithful husband unto thee, untill God shall separate us by death." Then the woman shall take the man by the right hand, and say these words: "I, *N.*, doe take thee, *M.*, to be my married husband, and I doe, in the presence of God, and before this congregation, promise and covenant to be a loving, faithful, and obedient wife unto thee, untill God shall separate us by death." Then, without any further ceremony, the minister shall, in the face of the congregation, pronounce them to be husband and wife, according to God's

After the necessity for the secular rite had been thus removed, the spouses of the seventeenth century often preferred, for the sake of additional security in unsettled times, to be twice married,—once by the magistrate, and once by the minister. An instance of this procedure is recorded in one of the parish-registers of St. Giles's in the Fields,\* an entry in which book certifies that after their marriage in church by Dr. William Jervis, Robert Le Wright, Esquire, of the Middle Temple, and Miss (or 'Mistress,' as spinsters were then termed) Gratiana Jenkins, were remarried by the civil process before John, Lord Berksted, the Lord-Lieutenant of the Tower of London. There were, perhaps, especial reasons for

ordinance ; and so conclude the action with prayer to this effect.'  
—*Vide* 'The Directory for Public Worship.'

\* 'Robert Le Wright, of Middle Temple, London, Esq., and Mrs. Gratiana, dau. of the Lady Dorothy Jenkins, *alias* Baleham, of the parish of St. Giles-in-the-Fields, Midx., had their purpose of marriage entd. on the 21st of this month, and were therein published in the p'h ch. of St. Giles-in-the-Fields afsd., *i.e.* on the 4th, 11th, and 18th of this inst. month ; and had their marriage celebrated by William Jervis, D.D., in the presence of the afore-said Lady Dorothy Jenkins of this parish, mother of the said Mrs. Gratiana, and in the presence of Mrs. Jane Chelsham, wife of John Chelsham, of Kingston-upon-Thames, Esq. ; and in the presence of Elizth., wife of Richard Baddesley, of St. Dunstan's-in-the-West, London, Gent., and of Margaret, wife of John Shelrack, of this parish, yeoman. And that also the said marriage between the parties above-saide had its consummation before John, Lord Berksted, Lord-Lieutenant of the Tower of London, in p'suance and dir'on of the Act of Parliament in that case made and decided, before and in presence of Sir John Sedley, of the County of Kent, Kt. and Bart. ; and in the presence of Lady Frances del Hare, and the said Mrs. Jane Chelsham and others, in the Tower of London.'—*Vide* 'Parish Register of St. Giles's-in-the-Fields for the year 1658.'

the care thus taken to place the validity of this marriage beyond question. Or, it may be, that the groom, being a lawyer, entertained a lawyer's distrust of the sufficiency of the new regulations for the solemnization of wedlock, and was therefore bent on being able to declare at any future period that his marriage, however irregular in the opinion of rigid Episcopalians, had been celebrated with careful attention to all the provisions of existing law. The parochial registers of Cromwell's time often afford indications of prevalent doubt respecting the validity of marriages performed in accordance with the purely civil provisions of the Commonwealth parliaments.

A noteworthy record of publications of banns for another important marriage, that took place in November, 1657, may be found in the register of St. Martin's-in-the-Fields. In that month the Right Honourable Lady Frances Cromwell, of St. Martin's-in-the-Fields, joined hands with the Honourable Robert Rich of St. Andrew's, Holborn, after their intention to become man and wife had been duly proclaimed on three several Lord's days in the church, or meeting-house as it was then more generally termed, of the lady's parish. And on the day following the last of the three publications, the parochial registrar of marriage, Mr. William Williams, certified \* that the spouses had complied with the

\* 'These are to certifie whom it may concerne that, according to the late Act of Parliament, entytuled an Act touching Marriages, and the registering thereof, &c., publication was made in the publique meeting-place, in the parish church of the parish of Martin's-in-the-Fields, in the county of Middlesex, upon three several Lord's Days, at the close of the Morning Exercise, namely, upon the xxv day of October, MDCLVII., as alsoe upon the i

requirements of the new Marriage Act. In compliance with the fashion of the day, and with the conscientious scruples of the ruling powers, Mr. Williams, making no reference in the entry to St. Martin's saintly worth and title, styled his parish 'Martins-in-the-Fields.'

Whilst serious folk of both sexes criticised the new mode of matrimony, and argued warmly about the conveniences and disadvantages of lay-marriage, the wits regarded the novel arrangements as fit subjects for saucy badinage. One hoped that, the justices having undertaken to supervise matrimonial bargains, there would be an end of cheating in love-affairs. Another remarked that, since marriage and hanging were proverbially said to go by destiny, the guardians of the gallows-tree were the fittest possible priests of the hymeneal altar. Skilful in fitting their fellow-creatures with hempen neckcloths, the magistrates would be no less adroit in binding poor fools with the manacles of wedlock. Smithfield marriages having become universally fashionable, a third satirist suggested, it was right that matches should be arranged in the public market-places. 'Ay,' added a fourth wag, seasoning his satire with profanity, 'and right, too, that the buyers and sellers should be turned out of the Temple.' All which current

and viii day of November following, of a marriage agreed upon between the Honourable Robert Rich of St. Andrew's, Holborne, and the Right Honourable the Lady Frances Cromwell of Martins-in-the-Fields, in the county of Middlesex, all which was duly performed according to the Act, without exception. In witnesse whereof I have hereunto set my hand the ix day of November, MDCLVII. William Williams, Register of Martins-in-the-Fields.' — *Vide* 'Register of St. Martin's-in-Fields for the year 1657.'

pleasantries were reproduced in the squib against 'lay-marriages,' which Richard Flecknoe published in his 'Diarium' (1656). To Flecknoe, who regarded the revolutionary troubles of the age as punishments awarded to the English nation for its sin in rebelling against the Pope, marriages performed without the intervention of priests seemed nothing better than prodigies of blasphemous insolence; but he was too prudent a fellow to denounce with violence these latest contrivances of Satan. Moreover, his politico-religious sentiments combined with his prudence to make him humorously tolerant of the fantastic impieties\* that would, he imagined, sooner or later drive a penitent people back to the true faith.

On Charles the Second's restoration the parliamentary mode of celebrating marriages was relinquished, and the justices of the peace were relieved of the duties which they had discharged towards spouses during the suppression of episcopacy. In their ignorance of the common law respecting

\* *On the Justices of Peace's making Marriages and crying them in the Market: —*

'Now just as 'twas in Saturn's reign,  
The Golden Age is returned again,  
And Astrea again from heaven is come  
When all on earth by Justice is done.

Amongst the rest we have cause to be glad,  
Now marriages are in markets made;  
Since Justice we hope will take order there,  
We may be couzened no more in our ware.

Besides, each thing would fall out right,  
And that old proverb be verified by't,  
That marriage and hanging go together,  
When Justice shall have disposing of either.

contracts of marriage, and under their conviction that all transactions effected during the Interregnum by the so-called usurpers were necessarily devoid of legality, the advisers of the restored sovereign lost no time in procuring a legislative enactment (12 Car. II. cap. 33), which, legalizing things unquestionably lawful, declared the validity of all 'marriages by justices of the peace since the 1st May, 1642, or marriages performed according to the direction or true intent of any Act or Ordinance, or reputed Act or Ordinance, of one or both Houses of Parliament, or of any Convention sitting at Westminster, under the name, style, or title of a Parliament.'

Nor may it be imagined that, during the abeyance of episcopacy, no marriages were solemnized in accordance with the Matrimonial Office of our Book of Common Prayer. The law prohibited the use of the Book, but some of its forms were observed by not a few of the Presbyterian ministers, who, in their secret attachment to prelatic ordinances,

Let parson and vicar then say what they will,  
The custom is good (God continue it still);  
For marriage being now a traffique and trade,  
Pray where but in markets should it be made?

'Twas well ordained they should be no more  
In churches or chapels, then, as before;  
Since for it in Scripture, we have example,  
How buyers and sellers were driven out o' th' Temple.

Meantime God bless the Parliament  
In making this Act so honestly meant;  
Of these good marriages God blesse the breed,  
And God blesse us all, for was never more need.'

*Vide Flecknoe's 'Diarium.'*

learnt the words of the forbidden services by heart and, whilst delivering them to their congregation without the assistance of printed pages, were supposed to be uttering extempore prayers. The more educated laymen, who detected the pious fraud of these divines, either from sympathy with their political religious opinions or from a spirit of peaceableness seldom occasioned any trouble to the reverend violators of a novel law. Moreover, so long as they behaved without outward orderliness, and were not suspected of active sedition against the existing government, the Royalist clergy could in most parts of the country read the Prayer-book to small congregations, assembled in private houses, without incurring the legal penalties of their virtuous misdemeanour. Whilst this tolerance was exhibited by the ruling powers to conscientious members of the proscribed Church, Royalist spouses were wont to celebrate their marriages privately with the Prayer-book and ring, after going through the form—the impious mockery, as they deemed it—of lay-marriage. When the Reverend George Bull, subsequently Bishop of St. David's, married during the Interregnum Bridget Gregory, daughter of the Reverend Alexander Gregory, incumbent of Cirencester, the nuptial ceremony was performed by the Reverend W. Hall Masters, vicar of Preston, with the book and the ring,—though the law forbade the use of the former, and the Presbytery adjudged the latter to be a foolish and impious contrivance. Even Puritans, for the sake of temporal security, sometimes used at their marriages the book and the bauble, whilst holding both of them in abhorrence. As we have already seen, that

zealous Assembler, the Reverend Stephen Marshall, of Finchingfield, Essex, married his daughter with book and ring, rather than leave the validity of her wedlock open to question at some future time.

## CHAPTER VI.

### TAXES ON CELIBACY.

ON hearing, in December 1834, that Thomas Robert Malthus, author of the 'Essay on Population,' had recently died at Bath of a disease of the heart, a gentlewoman remarked seriously to her informant, 'Indeed! A disease of the heart? I am not surprised to hear it.' More than thirty-five years had elapsed since the political writer had published his demonstration of the baneful results of improvident matrimony; and he was still regarded by the majority of simple and kindly folk as the malignant defamer of wedlock and the monstrous enemy of domestic virtue. From time immemorial the people of our wealthier classes had been Malthusians in practice, asserting that young spouses should not presume to marry on insufficient means, and having proper regard to economical considerations in marrying one another, and in procuring matches for the children. Folk-lore had taught, by various prudent maxims, that no couple should marry without a hour wherein to tarry. But when the man of accurate science put down precisely in black and white the rules which cautious persons in our higher ranks had steadily acted upon throughout successive centuries, and deliberately proved by statistics the excellence

of those rules, good society, with piquant and characteristic inconsistency, declared him a profligate wretch and heartless monster.

In justice to the economist's defamers, it must be admitted that their disapproval of the teacher, though strangely discordant with their practice, was more consistent with their preaching than it at first sight appeared to be. In enjoining lovers to have a prudent forethought for the costly consequences of wedlock, they had always limited their counsel to lovers with some reasonable pretensions to gentility, and had drawn a broad line between spouses whose matrimonial improvidence would entail social degradation on themselves or discomfort to their well-to-do relatives, and spouses whose humble condition left them at liberty to marry without care for their future fortunes or the dignity of their kindred. Prudence and self-restraint were virtues appropriate to lovers incapable of living with contentment like artisans and farm-servants, and belonging to families whose respectability would be diminished by their poverty. The case was altogether different with young people of the inferior classes, who should be encouraged to increase and multiply, in order that the country should have an abundance of toilers eager to do all kinds of ignoble work at very low wages.

In this respect the prosperous gentlefolk, who denounced Malthus for his immorality and heartlessness, resembled the gentlefolk of former ages, who would have exclaimed against him no less loudly had he lived in their times, and disseminated his corrupting doctrines amongst their bold and virtuous peasantry. In the circles of the rich it was incum-

bent on lovers to look before they leaped into matrimony, since Providence and society had designed spouses of their degree to enjoy themselves, and did not require them to spend their lives in working laboriously and adding to the next generation of patient toilers. As for spouses in humble life, they might leap without looking,—and the sooner they jumped, the better it was for the country. This was the view of the rich bachelors of Henry the Eighth's time, who, whilst avoiding the costs of matrimony out of regard for their social credit and the honour of their ancestral 'houses,' thought marriage an excellent condition for plebeian persons too poor to support their offspring decently. It was the view of the statesmen in old days, who had a share in the authorship of our Prayer-book's Marriage-office, and of the learned Mr. Justice Blackstone, who, in the eighteenth century, could not cordially approve Lord Hardwicke's Marriage Act, because it might tend to 'restrain the numerical increase of the poorer people. 'On the one hand,' says the learned judge, respecting what he deemed a somewhat hurtful statute, 'it prevented the clandestine marriages of minors, which are often a terrible consequence to those private families wherein they happen. On the other hand, restraints upon marriages, especially among the lower class, are evidently detrimental to the public, by hindering the increase of the people.' In other words, it was desirable to put restraints on matrimony to preserve rich minors and their private families from the inconveniences of premature and improvident wedlock; but for the sake of the requisite increase of the people, especially amongst the lower orders, lovers

of humble degree should be encouraged to marry as quickly as possible.

In proposing to stimulate matrimony and force onwards this desirable 'increase of the people' by putting a tax on bachelors, a writer of Henry the Eighth's time made a suggestion which, after the lapse of more than a hundred years, was reproduced by social reformers, and adopted by the legislature of William the Third's time.

William of Orange had succeeded to the three kingdoms which his father-in-law surrendered for the sake of a mass, and he was fighting several adversaries with a miserably insufficient revenue, when a Person of Quality—the father, perhaps, of the highly-qualified Sophia—produced a pamphlet\* (A.D. 1690), in which

'Lycurgus,' says this Person of Quality, 'amongst his laws to the Spartans, enjoined this for one,—That they who lived unmarried and childless should be debarred from all sports, and forced to go naked in the winter about the market-place.

Another law of the Heathens is that of Plato,—That he who would not marry by the age of thirty-five, should be punished in purse and credit, as is easily enforced amongst us, as 'tis by our own constitutions to impose fines on a man who refuses to serve his country in civil employments, as to give attendance on courts, either as evidence or juror, when lawfully summoned. It may indeed at first be thought (as all new restraints are) a severe imposition, to be debarred from the liberty of our forefathers, or to secure it by a mulct; but if we consider the many impositions of late years laid upon us, and those by experience found to be of signal advantage to the country, and of ease to the nation, by pecuniary punishments inflicted upon such who will not be conformable to such laws as the parliament shall think fit to enact in this case, as there is now to any other finable offence; nor will this be thought more grievous and foreign, than some other laws of new institution amongst us; that person would perhaps have incurred some danger, who should have proposed an hundred years ago, that we should put a tax upon every quart

it was urged that celibacy should be regarded as a luxury, and like other luxuries—indeed, for that matter, like several of the prime necessities of life—should be made a subject of taxation. A large revenue might be raised for the needs of the country by a tax laid on bachelors, whose avoidance of wedlock was prejudicial to the nation, whilst it rendered them more able than married men to contribute largely to the public purse. At first sight it might appear unjust to require men to pay for the enjoyment of a natural right; but the exchequer was chiefly replenished by payments rendered by honest citizens for permission to exercise what were quite as deserving to be called natural rights as the privilege of living in singleness. Men had a natural right to consume the meats and drinks most agreeable to their palates and conducive to their health; but the law did not hesitate to attach in a variety of cases to this right the disagreeable necessity of paying money to the tax-gatherer. It was well for the country, which required its people to be muscular and full of spirit, that men should drink beer; but still the legislature had decided that no child of toil might, at his own cost, drink a quart of ale, without at the same time paying a trifle into the national money-box of beer which we drank, and that a scandalous valet should have power at any hour of the night, without any warrant, or process, but that of his pleasure, to search every room in the house, and if refused, severe penalties to ensue: yet this is both done and found needful.’—*Vide* ‘Marriage Promoted, in a Discourse of its Ancient and Modern Practice, both under Heathen and Christian Commonwealths. Together with the Laws and Encouragements for its Observance, and how far the like may be practicable and commodious in the Preservation of these Kingdoms. By a Person of Quality. 1690.’

box. What proposal, then, could be more reasonable, and accordant with legislative precedents, than a scheme to tax the enjoyments of celibacy, which, instead of contributing to the welfare of the realm, affected the commonwealth injuriously?

The quickness with which the Government adopted the suggestion warrants a suspicion that the Person of Quality was a writer in the ministerial service, and had received instructions to prepare the public mind for the fiscal experiment. Anyhow, the scribe's counsel became the law of the land as soon as politicians had been allowed time to familiarize themselves with a notion which, on its first promulgation, was regarded as nothing better than the fanciful project of an essayist. In 1695 Parliament laid a heavy annual tax on bachelors and childless widowers, by a measure that also placed lighter imposts on birth, marriage, and death.

By this law, which remained in force for several years, a human creature was required to pay a toll at life's gateway on entering, and again on quitting existence. As the heir-apparent of a dukedom lay in his gilded cradle, the tax-gatherer came down upon him—or, to speak precisely, on his noble father—for a contribution of 30*l.* to the public purse, over and above the two shillings required of every father, not receiving alms, on the birth to him of a new child. The plain gentleman, on every addition to the number of his progeny, was required to pay the Chancellor of the Exchequer twenty-two shillings. The father whose degree had no savour of gentility, and whose means, though removed from absolute poverty, did not exceed a yearly income of 50*l.*, or

personal estate of 600*l.*, had to pay the State ten shillings for every fresh arrow put into his quiver, in addition to the two shillings universally levied on every infant born to a father who was not an actual recipient of alms. According to his degree, every father, from the duke to the petty tradesman, with 600*l.* of money or goods in hand, was bound to pay a penalty for his indiscretion in promoting under his own roof 'the increase of the people.' They were hard times for fathers of newly-born children, especially for fathers of recently-invented twins, when, in addition to all the other costs attendant on the arrival of another 'little stranger,' they had to pay some pounds or shillings to the tax-gatherer for every fresh infant assigned by fate to their parental care.

The taxes on marriage were considerable. The duke could not lead his bride from the altar without incurring an obligation to pay the State 50*l.* 2*s.* 6*d.* If the Archbishop of Canterbury condescended to wedlock, the price paid to the Chancellor of the Exchequer for his indulgence in self-abasement was 50*l.* 2*s.* 6*d.* The right of marriage was purchasable by a baronet for 15*l.* 2*s.* 6*d.* A plain gentleman paid a tax of 1*l.* 2*s.* 6*d.* when he joined hands in church with his selected spinster. Common persons paid a nuptial impost of half-a-crown.

But though the rates of the marriage-tax were high, they were very moderate in comparison with the imposts laid on celibacy. If a man's one marriage-tax is regarded in the light of a composition for the annual payments attached to his previous celibacy, the compounder purchased immunity from the yearly payments on advantageous terms. On

his wedding-day the duke paid 50*l.* 2*s.* 6*d.*, and throughout his duchess's life escaped the impost on celibacy, which to dukes above twenty-five years of age was 12*l.* 10*s.* per annum, over and above the 1*s.* per annum universally levied on all bachelors and childless widowers not receiving alms. An archbishop paid 12*l.* 11*s.*; a bishop, 5*l.* 1*s.*; a dean, 2*l.* 11*s.*; a canon or prebendary, 13*s.* 6*d.*; a doctor of divinity, law, or physic, 1*l.* 1*s.*; a gentleman, 'or reputed gentleman, owning or writing himself such,' 6*s.*, for every year that he passed as a bachelor or childless widower after completing his twenty-fifth year.

But if the newly-married man congratulated himself on escaping the celibatic tax on easy terms, a quick coming of babies to his nursery soon taught him that, so far as his liabilities to the tax-gatherer were concerned, he had far better have remained single. The 'gentleman or reputed gentleman,' with ten children on his hands at the tenth anniversary of his wedding-day, August 1, 1706, had paid in marriage-tax and birth-tax 12*l.* 2*s.* 6*d.*, the annual interest of which sum would have more than paid his yearly bachelor's tax once and again.

Every bachelor or childless widower, not receiving alms, was at least liable to an annual tax of one shilling, which, if he were a servant, was deducted from his wages by his employer or employers, and paid to the appointed collector of public dues. By the Act 8 & 9 Will. III., 'For making good the Deficiencies of several Funds therein mentioned,' the legislature renewed these imposts on births, marriages, deaths, and masculine celibacy, and ordained that they should continue to be paid till August 1, 1706.

It is creditable to the gallantry and justice of the legislature of William the Third's time that it exempted womankind from the incidence of the tax on celibacy. Widows, it appeared to our members of Parliament, were always on the alert to re-marry, unless they had arrived at a time of life when their marriage would not further the chief political ends of matrimony. As for the spinsters, it was no less obvious that the comparative stagnation of the marriage-market was in no degree attributable to them. The inconveniences of solitariness, and the prospect of being doomed to lead apes in the next world, caused them to be properly desirous of wedlock.\* Moreover, with the exception of a few rich widows and a *very* few affluent spinsters, the unmarried ladies of the country were so poor that it would have been barbarous to diminish their slender means by taxing their singleness, even if they could have avoided it.

The same generation of our ancestors that applauded the wisdom of Parliament in taxing bachelors and widowers, produced several remarkable associations for providing against the costs of wedlock and its usual consequences. Dr. Assheton's scheme of Life Assurance no sooner promised to be permanently useful, in spite of its several glaring defects, than its success, besides calling into ex-

\* The Maid in the 'Poetical Rhapsody' says,—

‘ I marriage would forswear, but that I hear men tell  
That she that dies a maid must lead an ape in hell.  
Therefore if Fortune come, I will not mock and play,  
Nor drive the bargain on, till it be driven away.  
Titles and lands I like, yet rather fancy can  
A man that wanteth gold, than gold that wants a man.’

istence several companies for the insurance of lives, encouraged a number of speculative imitators to start co-operative clubs, designed to furnish its unmarried members with material aid for the comfortable perpetration of matrimony. The projectors of these absurd Marriage Clubs and Baptism Clubs invited persons to invest money in them in provision for the expenses of matrimony. Every bachelor, on joining an 'Association of Insurance against Marriage,'\* paid to its funds a small sum (say 2s.) for a policy, and the same sum towards the marriage of every member of the fraternity actually guilty of wedlock. In return for these payments, when love and prudence decided him to take a conjugal partner, he received the chief part of 2s. paid for his good by every member of the fraternity, from which, on his marriage, he retired. Thus a cunning gentleman, in the week before his appointed wedding-day, might join a marriage-club, pay his

\* London Newspapers of the year 1710 contained the following advertisement of the Bole (subsequently Bolt) Court Society for Matrimonial Insurance:—'At the Office of Insurance on Marriage, in Bole Court, Fleet Street, any person by paying 2s. for a policy, stamps, and entrance, and 2s. towards each marriage, until their own, may secure to themselves 200*l*. *Note*.—Ten persons, for 4*l*. 6s. by them paid received above 390*l*.; and two others in 14 days will receive near 200*l*., and after that time each claim will amount to above 120*l*., which will be daily more and more, till full, which sufficiently shows the advantages of this office are much greater than any other of this kind pretend to. A general meeting of the subscribers was held at Sadlers' Hall, in Cheapside, on Thursday, October the 19th, 1710, and second six Trustees were added to the former, to whom security is given, pursuant to the proposals, which may be had gratis at the office.'—*Vide* Old Newspapers.

2s. entrance-fee, contribute six or eight shillings towards the matrimonial happiness of three or four of his five or six hundred associates, and in the following week, upon his own marriage, be entitled to about 50*l.* from the co-operators, to whom he bade farewell, after a very brief and profitable connexion with them. One of these many marriage-clubs, which bubbled the money out of the pockets of several hundreds of simpletons into the hands of a few knaves, was advertised freely in the London papers of 1710,—the year that gave birth to the famous South Sea (Bubble) Company, that burst ten years later, to the ruin of thousands of miserable families.

Less absurd in their aims and means for achieving them, the ‘Baptism Offices’ long survived the Marriage Clubs, and gave rise to a particular kind of insurance business, which sounder associations transacted in later time with benefit to themselves and their clients. The members of the Baptism Clubs were for the most part married persons, but they comprised a minority of bachelors who, with a purpose to marry and in anticipation of the usual consequences of wedlock, had joined a society established to enable parents to provide for their offspring. One of these clubs had its office at the ‘Hand and Pen’ Tavern,\* Earl Street, St. Giles’s-in-the-Fields,

\* ‘At the Office of Insurance on Baptism, at the Hand and Pen, in Earl Street, St. Giles’s-in-the-Fields, any person by paying 2*s.* 6*d.* for a policy, stamps, and entrance, and 2*s.* 6*d.* towards each infant baptized, until their own or the person’s infant on whom they subscribe, will secure to themselves 250*l.*, if full (or otherwise in proportion), the interest of which is sufficient to give a child a good education.’—*Ibid* Old Advertisements.

and did business in the following manner :—The names of the co-operators were kept in a register accessible to subscribers. When a co-operator, by an addition to his progeny, was entitled to the premium of insurance, the office, on the day of the infant's baptism, paid him 250*l.*, and called on each of his fellow-contributors for 2*s.* 6*d.* Thus, whilst the subscribers who escaped the burdens of paternity, or had but few children, paid their money altogether or chiefly to the advantage of the co-operators who had a fresh infant every year, the latter recovered their payments to the association, together with a liberal interest for outlaid money. Of course, there is reason why an association of this kind, comprising an adequate number of subscribers, and having proper regard for risks arising from the default or fraud of its members, should not be successful. But, unfortunately for their honest contributors, the Baptism Clubs of Queen Anne's London, like many of the Mutual Aid Societies of later times, were projected by arrant swindlers, or by schemers altogether ignorant of the principles which control the operations of scientific actuaries.

Like the tax on bachelors and widows, the Marriage Clubs and Baptism Clubs of the eighteenth century were commended by social critics in pre-Malthusian days as wholesome encouragements of matrimony in the social classes to whom the country was chiefly indebted for the needful growth of population. For the same reason praise was bestowed on the care taken to promote marriages in the humbler classes by the benevolent squires and matrons who used to make up funds for endowing

poor girls with marriage-portions. More than a century since, one of these societies for helping needy spouses onwards to their ruin was mentioned with approval by a writer in the 'Gentleman's Magazine,' who tells us how the ladies of Gloucester, in October 1761, celebrated George the Third's wedding by subscribing a nuptial bounty for four poor maidens, each of whom received from her benefactresses 5*l.* on her wedding, together with a promise that she should have another 5*l.*, after the lapse of twelve months, if she completed her first year of married life without losing her good repute.

## CHAPTER VII.

### CURIOUS MARRIAGES.

ON the fifteenth day of February, in the eighteenth year of Queen Elizabeth's reign, a singular wedding took place at Leicester between Thomas Filsby, a deaf and dumb man, and Ursula Bridget, a hearing and talkative spinster. The Prayer-book requiring that the promises of marriage should be exchanged in spoken words, the clerical and civil authorities of Leicester were unable to say how the speechless person could be married to his spouse in a satisfactory manner. In their perplexity they applied for instructions to Thomas, Bishop of London, and Commissary John Chippendale, D.D., who disposed of the difficulty by devising a marriage-service for dumb lovers. By their directions the matrimonial rite was performed, and Ursula Bridget made the bride's promises in the usual manner; but the speechless groom declared his desire and purpose by the following signs. Having first embraced Ursula with his arms, he took her by the hand, and put the nuptial ring on her finger. He then laid his right hand significantly upon his heart, and afterwards, putting their palms together, extended

both his hands to heaven. Having thus sued for the Divine blessing, he declared his purpose to dwell with Ursula till death should separate them, by closing his eyelids with his fingers, digging the ear with his feet, as though he wished to make a hole in the ground, and then moving his arms and body, as if he were tolling a funereal bell.

Another marriage by signs, between a dumb groom and talking bride, was solemnized, Nov. 7 1618, at the church of St. James's, Duke Place London—one of the popular churches for irregular marriages in the seventeenth and eighteenth centuries. The exceptionally careful record of this wedding, in an old register of St. James's Church does not describe all the actions by which Thomas Speller, 'by trade a smith of Hatfield Broadoake in the county of Essex,' declared his willingness to take for better or worse 'Sarah Earle, daughter of John Earle of Great Paringdon, in the same countie 'yeoman;' but it tells us that 'the dumb parties willingness to have the same performed, appeared by his taking the Book of Common Prayer and his license in one hand, and his bride in the other, and coming to Mr. John Briggs, our minister and preacher and made the best signs he could, to show that he was willing to be married, which was then performed accordingly.'

One would have imagined that marriages by signs of dumb persons were too common, as they are at the present time, to attract special attention, or justify particular mention of their circumstances. But the entry of Thomas Speller's wedding in the register, and the pains taken by his friends to

satisfy themselves respecting the validity of the union, are evidence to the contrary.\*

Even more curious, and in old time, perhaps, not more rare than these signal weddings, were the marriages of brides who appeared at church in a single long white garment. These unions had their origin in the popular and erroneous notion that the husband was not answerable for the debts of the wife who came to him thus insufficiently clad, even as patient Griselda was clothed when she was turned out of her marquis's palace. The reasoning which caused the error is obvious. It being a legal doctrine, laid down in Bacon's 'Abridgment,' that a husband was answerable for his wife's debts '*because* he acquired an absolute interest in her personal estate,' it was inferred by the populace that *if* he acquired no property with her, he could not be compelled to satisfy the claims of her creditors. Hence it came to pass that now and then grooms of the rudest and stupidest kind, bent on securing themselves against one of the legal consequences of marriage, insisted that their brides should, by their insufficient dress at the church-porch, give a practical demonstration of their utter want of worldly wealth. Nor were these exhibitions of women shivering in white sheets in the open air, like creatures doing penance in the public ways, peculiar to the qualified bar-

\* The registrar says, 'And also the said Lord Chief Justice of the King's Bench, as Mr. Briggs was informed, was made acquainted with the said marriage before it was solemnized and allowed it to be lawful. This marriage is set down at large, because we never had the like before.'—*Vide* John Southerden Burn's 'History of Parish Registers.'

barism of our feudal period. Both in London and our provinces such marriages now and then scandalized decent spectators so late as the earlier years of the eighteenth century. One of them is recorded in a parish register of Chiltern All Saints, Wiltshire under date October 17, 1714, and another took place on November 8, 1725, at Ulcomb, Kent. Mr. John Southerden Burn mentions another that occurred in the purlieus of the London Fleet some hundred and fifty years since; but the offensive practice altogether disappeared in the earlier days of our Georgian period.

Noteworthy, also, among the eccentricities of marriage, are those comical unions in which one lady was at the latest moment substituted for another either by mistake or design. The author of 'The Levellers' (1703) mentions a Suffolk clergyman, who after persisting in celibacy till his fifty-first year, condescended to marriage with the daughter of a neighbouring gentleman. This gentlemanly neighbour had three marriageable daughters; and the studious divine, who had more care for books than womankind, fixed what he was pleased to call his affections on the second in age of the three young ladies. When Sir Thomas More had fallen in love with the younger Miss Colt, of Essex, he transferred his regard to the elder sister out of concern for her feelings, which might have been hurt had her junior sister been taken in wedlock before her. Our Suffolk clergyman married the eldest, after gaining the goodwill of the second sister, from motives less amiable than the considerateness that actuated the martyr-chancellor. The day appointed for the wed-

ding had come, and the second sister had donned the bridal chaplet, when it was discovered that the name of her elder sister had, through the groom's mistake, been inserted in the license which he had procured from the nearest surrogate. What should be done? It was impossible to get another license, so that the groom might be linked to his spouse within the canonical hours of that day. Moreover, to get a fresh license would involve the payment of more fees. It was a pity that a document bought with good money should not be used. Blushing slightly as he made his suggestion, the reverend groom declared his readiness, under the circumstances, to marry the eldest sister. Neither of the two sisters affected by this seasonable offer making any objection to it, the proposal was forthwith acted upon. The younger of the two took from her head the symbolical garland, and placed it on the crown of the older; and before the last of the canonical hours had expired, the clergyman was securely wedded to the gentlewoman who thus goodnaturedly stepped into her sister's shoes.

The marriage was felicitous; but ere the groom and his bride attained a condition of perfect conjugal harmony, he delivered her a homily on woman's duty, and she gave him a timely lesson in good manners. On returning with her to his parsonage, the studious clergyman told his wife that, domestic industry being one of a married woman's prime obligations, he expected her always to be at some useful work whilst he spent his time in scholarly labour. Having thus instructed her, he retired to his study, and passed the evening in writing a ser-

mon. With admirable dutifulness the lady, after unpacking some boxes, caused the parsonage to resound with the hum of her spinning-wheel. As he wrote, the pastor delighted in the musical proof of her obedience. A few hours' later, when they had supped, and the lady had retired to rest, the divine on reclining himself by her side, opened a theological treatise, and was soon engrossed in its pages altogether forgetful of her presence. Without upbraiding him in Mrs. Caudle's manner, or giving him any oral curtain-lecture, the lady corrected him adequately. Fortunately, her spinning-wheel was within reach, and her memory recalled his order that she should work whenever he worked. In another minute the wheel was in full action, and whilst the bride spun her yarn the student lost the thread of his author's argument. To his credit it is recorded that he took the reproof in good part, and never repeated his offence.

Another remarkable case, in which a bride received the crown intended for another, occurred towards the close of the last century, in the days of elopements and Gretna-Green marriages. A singularly handsome French Jew, bent on making his fortune by matrimony, Lewis John Marie Haussonnier, resolved to annex to himself Miss Trist, the only daughter and heiress of the late Mr. Trist; formerly a tailor, carrying on business in Surre Street, Strand. The young lady was well-looking, her fortune was 40,000*l*. Her admirer had never seen her; but he was in debt and had heard of her wealth. The information had also reached him that she was at Bath. Having dined with a few friends

at Richardson's Coffee-house, Covent Garden, a fashionable hotel eighty years since, the adventurer started by the night-mail for the city of fashionable invalids, on January 18, 1796. On reaching Bath he went straight to Miss Trist, with an introduction from the friend who lent him the money for the expedition. She quickly fell in love with him; and as she wished for the *éclat* of a runaway match, he gratified her by carrying her off to Scotland without her aunt's permission. A few days after their union, the groom having alluded jocosely to the tailor's business in Surrey Street, Strand, the bride assured him that neither she nor any of her most respectable family had ever condescended to do aught with clothes but to wear them. An explanation ensued, when her husband discovered that she was, or rather had been, the wrong Miss Trist. The tailor's daughter was still a spinster at Bath; but Miss Ellen Ashford Trist, formerly of Totnes, and daughter of a deceased country gentleman, had become Mrs. Haus-soullier. The fortune-hunter had missed the pigeon, but shot the crow. But, having a goodly fortune, she was a crow worth the trouble of plucking. He did not weep over the mischance, or rather, let us say, over the accident, which accomplished the chief purpose of his journey to Bath. Poor Mrs. Haussoullier lived to repent her northward trip with the suitor who came to her by mistake. Associating himself with the lowest blackguards of the turf, he squandered her property and then killed her by unkindness. The last that one can learn of the fascinating Jew and unqualified scoundrel relates to

his connexion with the reprobates who poisoned the race-horses at Newmarket in 1811.

The annals of London in the last century afford some remarkable cases of reputed marriage, in which the groom was of the same sex as the bride. Two of the women, who thus played the part of men, assumed the male character and attire in order to get possession of the property of their dupes; and one of these feminine but most unwomanly impostors was pilloried in Cheapside (July 1777), and imprisoned for six months, after she had been proved at the Old Bailey to have married three different women, whom she had robbed of their money and clothes, and then deserted within a brief time of the spurious marriages.

Another still more singular assumption of the marital style and office was perpetrated at Poplar, under circumstances that enabled the personator to deceive the world for many years. In an early year of George the Second's reign, the husband and wife of this extraordinary imposture established themselves as landlord and landlady of a public-house in the before-mentioned suburb of the capital. Their excellent management of their business drew profitable customers to their tavern, and caused them to stand well in the neighbourhood as prosperous and worthy persons. For no less than thirty-six years they lived together, thriving in trade and preserving their secret from detection, when the wife sickened, and on her death-bed made a will, bequeathing to her relatives half of the three thousand pounds which she and her confederate had amassed in their occupation. Shortly after making this testament,

which resulted in the disclosure of her peculiar relation to her reputed husband, the testator died. For a time the surviving impostor endeavoured to persuade the legatees under the will that it had been made by a person who, being a married woman, was unable to leave them the estate to which they supposed themselves entitled. The fact that she had made the will, and the terms in which it was drawn, proved that the testator was of unsound mind. For thirty-six years she had been his wife, and as her widower he refused to give them a single sixpence of what had never been her property. Instead of being put off by these representations, the legatees declared that they were convinced of their kinswoman's competency to make a will, and that they would obtain their rights by legal process if they could not get them by peaceful means. The impostor wavered. Pressed by the importunate and inquisitive legatees, she confessed that she had never married her friend; and admitted that her sex had placed it beyond her power to marry her. She stated also the circumstances which had induced her and her confederate to begin their career of successful imposture.

Disappointed in their love-affairs whilst they were still young women, they had vowed to live together in celibacy; and to defend themselves against the addresses of masculine deceivers they had agreed to enact the part of a married couple. Having thus acknowledged her confederate's competency to make a will, the personator satisfied the claims of the legatees, and continued to carry on the business of the tavern. A writer in the 'Gentleman's Magazine' (1766) says that, after surrender-

ing her confederate's share of their savings, the spurious husband resumed the feminine garb, and 'appeared to be a sensible, well-bred woman, though in her male character she had always affected the plain ~~blodding~~ alehouse-keeper.' On this point, however, the writer of the 'Gentleman's Magazine' appears to have been mistaken. For at a date considerably subsequent to her confederate's death she prosecuted at the Old Bailey a person who had attempted to extort money from her by threatening to expose the falsity of her masculine appearance. Perhaps she resumed her proper style and attire for a short time, and again relinquished them for the character and garb which had served her purpose for more than thirty-six years.\*

Though highly indecorous and unwomanly, the conduct of this sham husband involved no grave crime rendering her liable to legal punishment. It appears nothing worse than harmless eccentricity when it is contrasted with the extraordinary fraud which a lady, the wife of a London merchant in George the Second's reign, committed to the serious injury of her husband. Taking advantage of the mer-

\* In the eighteenth century these singular and distasteful unions, in which the groom and bride were both of the gentler sex, seem to have been less rare than regard for the instincts and natural refinement of womankind would cause us to imagine. In his researches in the Fleet Registers Mr. Southerden Burn came upon records of three marriages, in each of which the groom was suspected to be of the same gender as the bride by the officiating clergyman. In one of these cases the suspicion was proved to be just; and the clergyman who did duty at the spurious union wrote in his register, Oct. 1, 1747, 'The supposed John Ferrers was discovered after y<sup>e</sup> ceremonie were over to be in person a woman.'

chant's absence from town, this wonderful wife extracted from his *escritoire* a will which he had executed in her favour, and of which he had appointed her to be sole executor. Having gained possession of this document, which demonstrated the strength of her husband's affection for her, and his confidence in her aptitude for business, she dressed herself in widow's weeds, and went to Doctors' Commons, where she experienced no difficulty in proving the will. The testament was in every respect formal; the proctor whom she employed could identify her as the testator's wife, and the appointed executor of his will. There was nothing in her conduct to rouse suspicion, but much in her aspect and demeanour to excite a lawyer's chivalric sympathy. Probate of the will having been granted, the fair executor lost no time in selling all her husband's stock in the public securities, and in crossing the Channel to a French port, where she was met by an admirer whom she had determined to take for her second husband. A few weeks later, when the merchant returned to town from an expedition undertaken for the furtherance of his business, he found himself wifeless and bankrupt.

Another class of marriages, that may be regarded as amongst the eccentricities of wedlock, consists of unions which caused the contracting parties to stand to one another, and to each other's near kindred, in relations of exceptional complexity. For instance, William Hone, in 'The Table-Book,' says of the wedding (1823) of Miss Sophia Bawden to Mr. R. Bawden of St. Day, Cornwall, 'By this marriage the father became brother-in-law to his son; the

mother, mother-in-law to her sister ; the mother-in-law of the son, his sister-in-law ; the sister of the mother-in-law, her daughter-in-law ; the sister of the daughter-in-law, her mother-in-law ; the son of the father, brother-in-law to his mother-in-law, and uncle to his brothers and sisters ; the wife of the son, sister-in-law to her father-in-law, and aunt-in-law to her husband ; and the offspring of the son and his wife would be grandchildren to their uncle and aunt, and cousins of their father.' When Lord Dundreary has mastered all the difficulties of this perplexing piece of family history, he may throw *day*-light into the darkness resulting from the inter-marriages of the Hawoods and Cashicks of Kent. 'It is related,' says Hone, 'that one Hawood had two daughters by his first wife, of which the eldest was married to John Cashick the son, and the youngest to John Cashick the father. This Cashick the father had a daughter by his first wife, whom old Hawood married, and by her had a son : with the exception of the former wife of old Cashick, all these persons were living at Faversham in February 1650, and his second wife could say as follows :—

' My father is my son,  
 And I am mother's mother ;  
 My sister is' my daughter,  
 I am grandmother to my brother.'

Of senile wedlock a remarkable instance has been given in this work's chapter on 'Espousals,' and it would not be difficult to make out a long list of extremely old persons who have provoked ridicule and offended good taste by joining hands in ma-



## CHAPTER VIII.

CLANDESTINE AND OTHERWISE IRREGULAR  
MARRIAGES.

FROM the foregoing pages of this work readers have learnt that what is ordinarily termed in this country the Scotch Marriage Law,—*i. e.* the law of No. 11 Britain respecting contracts of marriage in time prior to the enactment of the year 1856, for the suppression of irregular matrimony,—prevailed in England as well as in Scotland, until Lord Harwicke, in spite of the strong and unscrupulous opposition to his salutary reform, effected his measures for the suppression of clandestine unions.

Recognizing the purely civil origin of marriage—the law—alike in England and Scotland—persisted throughout our strictly feudal period in discriminating between the secular agreement and the religious celebration, the earthly compact and the spiritual sacrament of matrimony. The Church provided rules and rites for the solemnization of the mutual consent and promises of wedlock, and with the cordial approbation of the secular authorities corrected forward and impious persons who married without proper regard for her injunctions. But the common law, keeping within its proper sphere, continued to keep the civil part of wedlock in view, and, looking at the proofs instead of the manner

contract, to assert the validity of marriages that had not received the ecclesiastical benediction. Yet further, the Church herself, whilst punishing spouses for disobedience to her decrees respecting marriage, stoutly proclaimed the civil sufficiency of matrimony performed in sinful violation of her orders. The Catholic Church persevered in this course to a date subsequent to our repudiation of the Papal authority. It was at the Council of Trent that she for the first time declared the presence of a priest indispensable for the valid performance of marriage; and in uttering the remarkable decree,\* which declared the absolute nullity of all marriages henceforth solem-

\* The language of this decree deserves the reader's particular attention. The earlier part of its first chapter runs thus:—  
 ‘*Tametsi dubitandum non est, clandestina matrimonia, libero contrahentium consensu facta, rata et vera esse matrimonia, quamdiu ecclesia ea irrita non fecit; et proinde jure damnandi sint illi, ut eos sancta synodus anathemate damnat, qui ea vera, ac rata esse negant; quique falso affirmant, matrimonia a filiis familias sine consensu parentum contracta, irrita esse, et parentes ea rata, vel irrita facere posse: nihilominus sancta Dei ecclesia ex justissimis causis illa semper detestata est, atque prohibuit. Verum, cum sancta synodus animadvertat, prohibitiones illas, propter hominum inobedientiam, jam non prodesse; et gravia peccata perpendat, quæ ex iisdem clandestinis conjugiiis ortum habent: præsertim vero eorum, qui in statu damnationis permanent, dum, priore uxore, cum qua clam contraxerant, relictæ, cum alia palam contrahunt, et cum ea in perpetuo adulterio vivunt. Cui malo cum ab ecclesia, quæ de occultis non judicat, succurri non possit, nisi efficacius aliquod remedium adhibeatur; idcirco, sacri Lateranensis concilii sub Innocentio III. celebrati, vestigiis inhærendo, præcipit, ut in posterum, antequam matrimonium contrahatur, ter a proprio contrahentium parochæ tribus continuis diebus festivis in ecclesia inter missarum solemnias publice denunciatur, inter quos matrimonium sit contrahendum: quibus denunciationibus factis, si nullum legitimum opponatur impedimentum, ad celebrationem*

nized without sacerdotal assistance, she paused to anathematize the false teachers who declared the vanity and spuriousness of profane weddings heretofore effected without a priest in time previous to the promulgation of the new edict.

In the absence of statistics one cannot make even a conjecture as to the proportion borne by the irregular to the regular marriages of the feudal age. But the reiterated orders of the Church for the enforcement of her rules for the celebration of wedlock, both by their number and language, show that clandestine or otherwise irregular weddings must have been frequent in the days when the ecclesiastical authorities could not compel the universal obedience of the secular clergy to the canons against clerical matrimony. During the interval between the suppression of the earlier Lollardy and Henry the Eighth's

matrimonii in facie ecclesiæ procedatur; ubi parochus, viro muliere interrogatis, et eorum mutuo consensu intellecto, dicat: Ego vos in matrimonio conjungo, in nomine Patris, Filii, et Spiritus Sancti; vel aliis utatur verbis, juxta receptum uniuscujusque provinciæ ritum. Quod si aliquando probata fuerit suspicio, matrimonium malitiose impediri posse, si tot accesserint denunciationes; tunc vel una tantum denunciatio sufficit vel saltem parochus, et duobus vel tribus testibus presentibus matrimonium celebretur. Deinde ante illius consummationem denunciationes, in ecclesia fiant, ut, si aliqua subsunt impedimenta, facilius detegantur; nisi ordinarius ipse expedire judicaverit predictæ denunciationes remittantur; quod illius prudentiæ judicio sancta synodus relinquit. Qui aliter, quam præsentem parochus, vel alio sacerdote, de ipsius parochus, seu ordinarii licentia, et duobus, vel tribus testibus matrimonium contrahere attemptant: eos sancta synodus ad sic contrahendum omnino inhabiles reddit; et hujusmodi contractus irritos, et nullos esse declarat, prout eos præsentis decreto irritos facit, et annullat.—*Vide* Conciones et Decreta Concilii Tridentini.'

death,—a period throughout which religious persecution deterred prudent people from doing aught that was likely to cause them to be suspected of sympathy with heretics,—the forbidden marriages were, doubtless, comparatively rare. But the religious convulsions of the Reformation epoch and the politico-religious animosities of the seventeenth century rendered them much more frequent than they had been even in the thirteenth and fourteenth centuries. Though they consented, from prudential motives, to attend the Sunday services of the Reformed Church, the more devout of Elizabeth's Catholic subjects, having reverential regard for the sacramental character of the matrimonial rite of their proscribed faith, were generally married in secrecy by the priests, who, in spite of the severe enactments against their order, persevered bravely, at the risk of their lives, in ministering to the spiritual needs of the adherents to the Papacy; and marriages thus solemnized in the darkened rooms of private houses, without publication of banns or the license of constituted authority, would have been irregular, even in the estimation of the Catholic clergy, had not the Pope sanctioned them out of consideration for the troubles of the period. And whilst unlawful secrecy characterized most of the marriages of Elizabethan Catholics, many of the nonconforming Puritans, and not a few of the Puritans who refrained from open dissent from the Established Church, preferred clandestine wedlock, solemnized in accordance with their conscientious scruples, to a form of matrimony that constrained spouses to use the pagan ring and the rite of the Prayer-book.

So, also, in the triumphant days of the Laudian Churchmen, secret marriage grew in favour with those of our ancestors who abhorred all the contrivances of episcopacy. It has already been described how the Royalist Episcopalians of the Commonwealth period, whilst complying with the parliamentary orders respecting matrimony, adopted in their weddings a course that extended and confirmed the popular liking for secret marriage. The re-establishment of episcopacy, on Charles the Second's return from exile, drove the orderly Presbyterians and Independents into the ways of clandestine wedlock without universally reclaiming the Episcopalian laity from the furtive habits which they had contracted during the Commonwealth.

Economy, also, was fruitful of much disobedience to the Church's matrimonial requirements. Publicity rendered it difficult in old time for the parent of a bride to escape the grievous exactions of pompous festivity; and, as we have seen, the costs of pompous wedding were very burdensome, when the giver of a nuptial entertainment was expected to regale all the near and distant cousins, and the majority of the acquaintance, of both bride and bridegroom, with a series of prodigal banquets. The money squandered in a single week of the wedding gala of a poor gentleman's daughter was often ten times as much as the insufficient portion that he could give her. It not seldom happened that a bride, with nothing but her chaplet for her fortune, was conducted to matrimony with an hilarious riot which impoverished her father for the rest of his

days. Under these circumstances, many a pater-familias of Charles the Second's London, even in the affluent circles, preferred to offend his ordinary acquaintance by avoiding the cost of a public celebration of his daughter's nuptials, rather than diminish by useless festivity the sum that he could give her for a bridal present. It was thus, as the reader remembers, that Sir William Penn displeased the Pepyses, by preserving for Margaret's subsequent use and benefit the money which they would have had him spend in fine dresses, feasting, and a band of musicians to play 'the *réveillez*.' Not that the Admiral gave his daughter a clandestine wedding: though, whilst observing all the requirements of the Church, he had the good sense and courage to make the celebration strictly private and devoid of needless expense. Other fathers, to achieve the same object, in their deficiency of self-respecting hardihood, sometimes gave their girls permission to run away and be married to their spouses with economical secresy. Thus craftily authorized to elope with her lover, the bride went to the nearest church or lawless chapel, and, returning with a ring on her finger, went through a hypocritical form of confessing her misconduct and begging forgiveness of her economical papa, who forthwith pardoned her for acting on his hint, shook the groom by the hand, and gave him the hundred guineas which there was no need to spend on pastrycooks and vintners.

When Maximilian Misson studied the ways and manners of Londoners towards the close of the seventeenth century, the majority of the weddings

in the well-to-do middling classes were celebrated darkly and parsimoniously.\* The bride, at the last

\* ‘One of the reasons that they have for marrying secretly, as they generally do in England, is that thereby they avoid a great deal of expense and trouble. There are a great many agreeable things that one might relate upon this article of weddings, but it is difficult to learn them; because, besides a great number of little particulars, they generally vary according to the several customs of the countries, the rank and quality of the persons, and their different religions. The Presbyterians possess so great a strictness, and such mighty reservedness, that their weddings are commonly very plain and very quiet; and what I shall say here, therefore, is ordinarily practised amongst those of the Church of England, and among people of a middle condition: to which we may add, that live in or near London. Persons of quality, and many others who imitate them, have lately taken up the custom of being married very late at night in their chamber, and very often at some country house. . . . When those of a middling condition have a mind to be so extravagant as to marry in publick (which very rarely happens), they invite a number of friends and relations; everyone puts on new cloaths, and dresses finer than ordinary; the men lead the women, they get into coaches, and so go in procession, and are marry’d in full day at church. After feasting and dancing, and having made merry that day and the next, they take a trip into the country, and there divert themselves very pleasantly. These are extraordinary weddings. The ordinary ones, as I said before, are generally *incognito*. The bridegroom, that is to say, the husband that is to be, and the bride, who is the wife that is to be, conducted by their father and mother, or those that serve them in their room, and accompany’d among others by two bridemen and two bridemaids, with a license in their pocket, and call up Mr. Curate and his clerk, tell him their business; are marry’d with a low voice and the doors shut; tip the minister a guinea, and the clerk a crown; steal softly out, one one way, and t’other another, either on foot or in coaches, go different ways to some tavern, at a distance from their own lodgings, or to the house of some trusty friends, there have a good dinner, and return home at night as quietly as lambs.’—*Vide* Misson’s ‘Memoirs and Observation in his Travels over England.’ Ozell’s translation.

moment, asked two of her maiden friends to accompany her and her parents to the place where she meant to be married. To escape observation, it was sometimes arranged that the bridesmaids should meet her at 'the altar,' and that her father should go alone by one route to the matrimonial scene, whilst she approached it by another, under the protection of her mother. The place of wedding might be her parish church, or a convenient chapel, or a room fitted up for the solemnization of marriages in a public-house that kept a chaplain on the premises. On entering the church or chamber, dressed in her ordinary walking-dress, the bride found her groom and the clergyman ready to receive her. Perhaps the groom brought a couple of friends. The door of the meeting-place having been closed against unbidden loiterers, the ceremony was performed quickly, and with as little noise as possible; and, as soon as the bachelor and spinster had been made husband and wife, the party dispersed, and went by different paths to the tavern where they had arranged to have dinner, at the cost of the groom or his father-in-law. At a strictly private wedding of this kind, if the contracting parties were in prosperous circumstances, the officiating clergyman usually received a guinea, and the clerk five shillings, for their services; and as one chief object of the conspirators was secrecy, the expense of a license was incurred, lest publication of banns should reveal prematurely their dark design to the persons from whose knowledge they were most desirous to keep it, until the marriage was accomplished. If they achieved their purpose so completely that neither

the butchers nor the drummers got wind of their proceedings, they deemed themselves especially fortunate. But it generally happened that, notwithstanding the liberality of the *douceur* bestowed on him by the groom, the treacherous clerk gave prompt intelligence of the affair to a marrowbone-and-cleaver club and a band of street-musicians, with whom he had profitable relations : in which case the bride was sure to be roused at the early dawn of the following morning by a discord of loud sounds, for which her husband had to pay handsomely, though reluctantly.

Such was the ordinary marriage of a prosperous London citizen's daughter, in the reign of Charles the Second or Queen Anne. Now and then, however, the London damsel of 'middling degree' entered matrimony with the noise and ostentation of what Misson rightly termed, the 'extraordinary wedding,'—a festival of several days, that enriched hackney-coach-keepers and victuallers, caused the nuptial guests to spend much in bridal presents and gorgeous clothing, occasioned a scandalous amount of drunkenness, and concluded with an excursion to Richmond or Edmonton, from which everyone of the makers of merriment returned in no humour to prolong the period of qualified enjoyment.

Whilst the well-to-do commonalty perpetrated matrimony in dark corners and behind barred doors, as though their conduct were discreditable if not absolutely felonious, the aristocracy were in a large proportion of cases scarcely less furtive in their ways of committing marriage. Amongst our nobility wedlock was often solemnized by special license, with

objectionable suddenness and secrecy, and at a late hour of night, after a supper to which some half-dozen or so of the nearest kindred of the bridal couple had been invited. Not seldom a young lady, on taking her seat at the family breakfast-table of a mansion in the Soho quarter, astounded her little brothers and sisters by telling them that she had been married in the drawing-room on the previous evening, after they had gone to bed. So long as fashion countenanced several of the nuptial usages mentioned in a former chapter of this work, it was natural that ladies of refinement should think a bridal party could not be too small and select. But the growing preference for private weddings in the highest social grades was quite as much due to thrift as to delicacy. It was cheaper for a nobleman to pay the heavy fee for a special license, and have his daughter's marriage solemnized quietly by his domestic chaplain in the presence of ten or twelve friends, than to launch her upon matrimony with a public wedding, to which it would be necessary for him to invite two or three hundred people, and on which he could not spend less than two or three thousand pounds, without incurring an imputation of meanness. In matters of nuptial festivity society allowed no medium between strict privacy and an ostentation that was profuse and riotous. Whilst this was the case, the advocates of the private wedding did not want good arguments.

Unless the reader bears in mind the political circumstances which trained our ancestors from the beginning of the Reformation Period till the close of the seventeenth century to solemnize wedlock

furtively, and the social conditions which disposed thrifty folk to prefer the cheap private to the inordinately expensive public wedding, he will be at a loss to account for the scenes to which I shall introduce him in following chapters. Even whilst he keeps those facts in view, he will marvel at the tolerance and positive approval which English society exhibited towards a state of things that would be unendurable for a single week to decent men and women of the present generation.

## CHAPTER IX.

## PRISONS AND 'LAWLESS' CHURCHES.

IN the seventeenth and eighteenth centuries, when lovers were not ashamed to creep slyly into wedlock, like thieves sneaking away from a constable, or burglars warily entering a rich man's house, some of them had recourse to the chapels of two of our principal London prisons for the safe and cheap accomplishment of unobserved matrimony. The Fleet and King's Bench prisons, to which spouses went in search of secret and expeditious marriage, usually contained some clerical captives, too indigent to be scrupulous, and too dissolute to preserve any reverence for the injunctions of the Church. It mattered not to ecclesiastics of this fallen and miserable kind that they disobeyed the canons by marrying couples whose banns had never been published, and whose needs forbade them to apply at Doctors' Commons for a license. Dread of episcopal censure was not likely to be very strong in a clergyman without ten pounds to lose or a decent character to keep. Even the Bishop of London could not terrify an offender callous to shame, and protected by poverty and degradation.

To neither the Fleet nor the King's Bench may we, however, assign the honour of being the first

London prison to satisfy the needs of lovers bent on cheap and clandestine marriage. That one of the chapels of the Tower,—not ‘The King’s Free Chapel, but another in the side of the White Tower by the King’s lodgings’—was a notorious place for clandestine marriages in Charles the First’s time, we know from the measures taken by Archbishop Laud to put an end to its malpractices, and from resentments occasioned by those very proper steps. How long this chapel had been so abused is unknown ; but it is a matter of history that, when the restless primate heard the purpose for which it was frequented by the sons and daughters of honest citizens, he lost no time in bringing the matter under the King’s notice, and causing a sudden cessation of the uncanonical weddings. The Lieutenant of the Tower, who had participated in the unholy gains of the chaplain and other ecclesiastics concerned in the irregular celebrations, bore in mind the injury done to him by the chief of the hierarchy ; and in due course the Archbishop’s zeal in purging the royal palace of ecclesiastical disorder was produced in his impeachment before the House of Lords as an instance of his unlawful and treasonable interference with the liberties and privileges of the subject. The Archbishop’s demonstration of the legality of his action in this matter was perfect. Nor was he less successful in disclaiming the unworthy motives assigned to him by his enemies in respect to his attempt ‘to prevent the abuses of that lawless custom.’ But the sufficiency of his reply to one of several trivial charges of an indictment, not wanting in grave and reasonable accusations, had no effect on his implaca-

ble adversaries. As he had treated others in the day of his power, so they dealt with him in the hour of his weakness. To them he appeared more like a friendless dog than a majestic lion, when in their vindictive fury they pelted with so sorry a stick as the count that gave a false colour to his suppression of the lawless marriages in the Tower.

The primate's fall does not appear to have been followed, either immediately or after an interval of time, by a renewal of the trade in clandestine wedlock at the Tower, which was stopped by his authority, or rather through his influence with the sovereign. It certainly was not revived during the supremacy of the Long Parliament, nor in the subsequent years of the interregnum; and throughout Charles the Second's reign the wishes of clandestinely marrying brides and grooms were fulfilled so expeditiously and economically at the churches of St. James, Duke's Place, and St. Trinity, in the Minories, that they had no need to appeal to the considerateness of the authorities of the Tower. The Incumbent of St. James, Duke's Place, and the Incumbent of Trinity in the Minories,\* asserted their exemption from the authority of the Bishop of London; and though the grounds on which they declared their freedom from episcopal control were

\* Newcourt in his 'Repertorium,' calls the living of St. James's a rectory; Maitland terms it a curacy; in the 'Clergy List' it is described, 'St. James within Aldgate; Patrons, Lord Mayor and Aldermen; Value, 110*l.* per annum; Population, 851.' St. Trinity in the Minories was a perpetual curacy, with a small revenue apart from fees, and a proportionate population. At the present time, the curate's income is under 70*l.* a-year, and the population of the parish between four and five hundred persons.

very insufficient, the custom of the diocese and the prelate's reluctance to stir in a matter that might result in his discomfiture, left the two clergymen for many years in actual enjoyment of an immunity which afforded them noble incomes. So long as this state of things lasted, they could with impunity solemnize matrimony without publication of banns or the authority of an ordinary's license. Attracting spouses, who wished to avoid the publicity and slow procedure of banns, the churches of the two fortunate incumbents also offered peculiar advantages to economical lovers by sparing them the expense of the episcopal license. Official records show how large was the proportion of the persons,—married in London throughout many years, when the metropolis was inferior in magnitude and population to several of our most important provincial cities of the present century,—who entered matrimony in the one or the other of these churches. One of the registers of marriages, preserved at St. James's, Duke's Place,—a volume containing a thousand pages,—shows that in twenty-seven years, commencing in November 1, 1664, nearly 40,000 weddings, or about 1481 marriages a-year, were solemnized in that church. The records of the marriages performed at St. Trinity in the Minories are in so mutilated and fragmentary a condition that one cannot speak precisely concerning the amount of its matrimonial business in Charles the Second's reign. But one of its preserved registers shows that in seven years and three months, beginning at the date March 26, 1676, some six thousand marriages were celebrated under its roof. Another of its regis-

ters, commencing with the date, January 26, 1686, and ending November, 1692, contains between 5000 and 6000 entries of matrimony. Misson assures us that the usual fee paid to the clergyman officiating at a private wedding varied between two crowns and a guinea; and as the incumbents of St. James's, Duke's Place, and St. Trinity, in the Minories, had no need to enhance the attractiveness of their altars by taking smaller fees than those generally paid to the incumbents of churches where marriage could not be celebrated without license or banns, it may be assumed that on the average they received seven hundred and fifty guineas for every thousand weddings, besides a considerable per-centage of the five-shilling pieces given to their clerks. In years of buoyancy in the London marriage-market the incumbent of St. James's, Duke's Place, with hardly any poor parishioners or other public claimants on his purse, probably derived from marriages an annual revenue of fourteen or fifteen hundred pounds. So far as emolument is concerned, his living was therefore a better preferment than the bishopric of Exeter or Norwich. The value of money in the latter half of the seventeenth century being taken into consideration, it may be confidently asserted that he was, for his day, a richer man than the present bishop of Manchester. Apart from other sources of revenue that he may have possessed, he had in his living a finer estate than many a peer and half of the baronetage of his time.

It is obvious that the London rectors, from whose churches the lucrative business of celebrating matrimony passed to the two churches of their 'lawless

competitors, had other reasons, besides honest disapproval of clerical irregularity, for denouncing the means by which the clergymen of St. James's, Duke's Place, and of St. Trinity in the Minories, enriched themselves to the detriment of their brethren of the cloth. Nor is it ungenerous to suppose that the Bishop of London was all the more incensed against the offenders because their conduct seriously diminished his official emoluments. After long patience under an abuse that hurtfully affected the episcopal resources, by checking almost to extinction the sale of ordinary marriage-licenses, the prelate bestirred himself for its suppression; and on February 17, 1686, the Commissioners for Ecclesiastical Causes suspended for three years the Reverend Adam Elliott, Incumbent of St. James's, Duke's Place, for marrying and allowing persons to be married at his church in violation of canonical rules. This punishment, however, of the resolute offender failed to achieve its purpose. Either because there were grounds for questioning the legality of the Commissioners' sentence, or because the Commissioners found their enterprise too great for their powers, or because Mr. Elliott had friends in high places, his suspension was relaxed when only fifteen months and a few days of its appointed term had expired. How the difficulty was set aside and the affair hushed up is unknown. But it is certain that on May 28, 1687, the clergyman recovered his spiritual privileges under circumstances that enabled him to pursue his former course without further interference on the part of the Bishop of London or the Ecclesiastical Commissioners.

It is probable that the spiritual authorities, in the course of their proceedings against Mr. Elliott, ascertained that under the existing marriage-law their action was more likely to aggravate than remedy the evils which it was their purpose to correct. On sufficient inquiry they could not fail to discover the Church's inability to put an end to the irregular marriages without the cordial co-operation of Parliament. On this discovery, therefore, it is probable that they decided to relinquish their conflict with the refractory incumbent of St. James's, Duke's Place, until the legislature should enlarge their powers, or, on making the pecuniary proceeds of the sale of marriage-licenses a matter of public finance, should authorize the civil tribunals to compel the clergy to observe the canons for the celebration of wedlock.

## CHAPTER X.

## FLEET MARRIAGES.

ON the suppression of the Court of the Star Chamber, the ancient and unsightly prison near Fleet Ditch—the ill-reputed building whose unoccupied site on the east side of ‘dirty Farringdon Street’ has been for many a day one of the disfigurements of London—became a place of incarceration for debtors, and for misdemeanants guilty of contempts of the Courts of Chancery, the Exchequer, and the Common Pleas. During the hundred years commencing with Charles the Second’s restoration, and closing with George the Third’s accession, the prisoners of the Fleet numbered about six hundred persons of both sexes ; but not more than a third of this population lived within the walls of ‘the college.’ A prisoner for debt could at a considerable cost make an arrangement that allowed him, whilst rated as a captive behind stone walls and iron bars, to move about London as though he were a free man.

On paying the Warden of the Fleet a certain sum for the indulgence, and procuring good sureties for the payment of the debt or debts in respect to which he was imprisoned, in case he should abuse the indulgence by withdrawing himself beyond the reach of his creditors, the captive for debt was

permitted to take rooms in any one of certain streets or yards lying outside the walls, but within 'the rules,' or, to use another term for a quarter of definite boundaries, 'the liberties' of the Fleet Prison. Living in this qualified captivity, the prisoner was subject to the surveillance of warders and constables. He was required to report himself daily to the porter of his 'college;' and, on reasonable suspicion that he designed to break his parole and elope, the authorities of that institution might at any moment seize him and drag him within its walls.

Life was monotonous within 'the rules,' although they abounded with taverns and skittle-yards and gambling-tables. But the prisoner of 'the liberties' often contrived to enjoy existence within them, and to conceive a strong liking for their social conditions. If he were a man of birth and education, he could not complain of his fellow-colonists as universally beneath him in extraction and culture, for the hotels and lodging-houses of his quarter were never without residents of good quality, fashion, and learning. Whilst lords and ladies were every now and then under the necessity of withdrawing from the court-quarter of the town to live in retirement for a few weeks in the collegiate district, there were not a few scholars and wits, gentlemanly divines, and gallant soldiers, who resided habitually in 'the rules.' Nor were these captives on parole precluded, during their terms of residence on the banks of Fleet Ditch, from visiting the brighter quarters of the town. They were supposed to remain within 'the liberties' by night and day; but practice often contradicts theory, and so long as they kept on good terms with the

Warden of the Fleet and his officers, they got leave of absence, as a matter of course, to dance at West-end balls, to amuse themselves in Spring Gardens, or to ride with the quality in Hyde Park. Sometimes they were allowed to follow in the stream of fashion to Tunbridge Wells and Bath. Cases are recorded of Fleet prisoners who, whilst they were 'lying in the Fleet,' visited the Continent repeatedly in the pursuit of pleasure or for the furtherance of their affairs of business. The Warden of the Fleet would not have derived from regular fees, customary extortions, and corrupt arrangements, the four or five thousand a-year, at which his official income was roughly computed, if he had not governed his richer subjects leniently.\*

\* The Commissioners, appointed at the beginning of George the Second's reign to inquire into the abuses of the Fleet Prison, could not ascertain the exact amount of the Warden's income, but they proved it to be scandalously large. 'The committee,' they say, 'could not get from Mr. Bembridge, or his officers, any list of such prisoners as have the liberty of the rules and precincts of the Fleet Prison; but the committee obtained, by another hand, a list of three hundred and eighty-two persons, with an account of what each hath paid to the warden for such liberty, and the annual gifts every Christmas, amounting to near 2,828*l.* 17*s.* 4*d.*; and it appeared to the committee that the prisoners for the greatest debts have not signed the book. That the gratuity to the Warden for the liberty of the rules, is exacted in proportion to the greatness of the debt; and if all paid, that account would be three times the before-mentioned sum. These sums, so paid, appear to be very extraordinary exactions from the prisoners, and are the more unreasonable because all prisoners, who have the liberty of the rules, enter into bonds in very great penalties, with sufficient sureties, for not escaping, the least of which penalties are always double the sums they stand committed for.'—*Vide* 'A Report from the Committee appointed to inquire into the state of the Gaols of this Kingdom, relating to the Fleet

Whilst captivity thus smiled on debtors with money in their pockets and powerful friends at their backs, it exhibited its sterner aspects to miserable folk actually 'lying within the walls of the Fleet.' A pleasant, chatty, kind-hearted gentleman towards his 'people in the liberties,' the Warden of the Fleet was a grim and merciless despot to his 'rabble within doors.' Not that the collegians who could not or would not purchase the indulgences of 'the rules' were all treated alike. The college had its 'common or poor side,' and its buildings containing

Prison, with the resolutions and orders of the House of Commons thereupon, 1729. In addition to the Christmas presents of the prisoners in 'the liberties,' the Warden received large rents from the tenants of certain premises in the purlieu of the prison, who accommodated the liberty prisoners with lodgings, or received them as regular boarders in their taverns, significantly called 'sponging-houses.' He was still further enriched by the exorbitant sums which prisoners within the walls were charged for food, rooms, beds, or shares of beds, and other necessities. It is true that he had to provide 'guards,' make good the losses accruing to detaining creditors from the escape of prisoners, and keep the prison in repair. But the nett profits of his office probably exceeded 5000*l.* a-year. Readers, curious about the life of the Fleet Prison, in the days when the miseries and piquant humours of its inmates afforded novelists and dramatic writers an inexhaustible fund of comical stories and singular illustrations of character, should study the above-mentioned report, a copy of which is preserved in the British Museum. They should also read Mr. John Southerden Burn's 'History of the Fleet Marriages,' to which I am largely indebted for facts set forth in my pages. Another publication, deserving their attention, is, 'The Humours of the Fleet' (1749), a poem whose title was adopted by the collector of a singular scrap-book, preserved in the British Museum, from which I have derived much of my knowledge of Fleet life in the eighteenth century. Defoe, Fielding, Smollett, Addison, and Steele are some of the social illustrators to whom I am also indebted for facts pertaining to the Fleet and its marriages.

sets of rooms or single rooms for debtors who, though capable of paying liberally for exceptional favours, could not find the sureties whose bonds would have entitled them to the privileges of 'the rules.' Moreover, the prison always held in confinement a few wealthy misdemeanants whose contempts of the supreme courts precluded them from sharing in the indulgences of 'the liberties.' On the aristocratic side of the gaol offenders of this superior kind occupied decently-furnished chambers, and took exercise in a fine racket-court,\* with some of the drollest scoundrels to be found in London; whilst the woe-begone beggars on the poor side quarrelled and played pitch-halfpenny in their squalid yard, or, bawling through the grating of its streetward gate, implored the passers-by to give them money to spend on beer and tobacco. The treatment which these wretches endured through long years of captivity, at the hands of brutal guards and turnkeys, was execrably cruel. If they grumbled at the badness and smallness of their rations of food, they were beaten with sticks or bars of iron; if they

\* The already-mentioned scrap-book, entitled 'The Humours of the Fleet,' contains a picture of the aristocratic debtors and misdemeanants, playing racket in their court. The players are well-dressed, modish gentlemen, with ruffled shirts, costly wigs, and conspicuously large buckles on the fashionably made shoes. Their knee-breeches and stockings are faultless. In another picture the student of old London ways may see the captives of 'the poor side'—a beggarly lot of wretched men and women. Some of these forlorn creatures are playing racket like their betters on 'the rich side;' but their favourite pastime is 'skittles.' On one side of their 'play-yard' is the prison residence,—a building much like a modern workhouse; on the other side runs a dismal wall, surmounted with *chevaux-de-frise*.

murmured at being beaten, they were flogged again, and then flung into the black-hole, and left there to spend a few days with the rats. The gaol was never free from small-pox and typhus fever, and there was not even an affectation of care on the part of the authorities to separate the sick from the sane.\*

\* Describing the treatment of the prisoners, the authors of the already-mentioned report say, 'That, upon inspection and examination on the common side of the prison, in the three wards, called the Upper Chapel, the Lower Chapel, and Julius Cæsar's, ninety persons were confined, who were obliged to lie on the floor, if they could not furnish themselves with bedding, or pay 1s. per week, by each prisoner so provided. That the Lyon's Den and Woman's Ward, which contain about eighteen persons, are very noisome and in very ill repair. That there are several rooms in the Chapel-stairs, for each of which 5*l.* a-year is now paid, but did formerly belong to the common side, and for which nothing was paid, until charged by Mr. Huggins at 3*l.* a-year each. And on this floor there are several persons, who are uncertain what chamber-rent they shall be obliged to pay, and are at the mercy of the Warden. That in some rooms persons, who are sick of different distempers, are obliged to lie together, or on the floor. One in particular had the small-pox, and two women were ordered to lie with her, and they paid 2*s.* 10*d.* each for such lodging. That there was a regulation by the judges in 'Trinity Term, 1727, by which the Warden ought to furnish all the rooms, in each of which there are two, three, and four beds, and in each bed two, and sometimes three persons, who pay 2*s.* 10*d.* each per week for such lodgings.' Of the extortions practised at the adjacent sponging-houses on prisoners,—poor, though capable of yielding something to the 'spongers,'—the Commissioners say, 'That there are three houses adjoining and belonging to the prison, which were kept as sponging-houses by tenants to Mr. Bembridge, as Warden, in one of which, kept by Corbet, twenty-six prisoners are confined. That many of these prisoners pay 2*s.* a-day for the use of a room in this house, and for firing 1*s.* ; and the other prisoners 1*s.* a-night for a bed ; but, notwithstanding such payments, they are obliged to lye two or more in the same bed. That every prisoner pays at his entrance into the house of the tipstaff 5*s.* towards a bowl of punch.'—*Vide* 'A Report . . . relating to Fleet Prison,' 1729.

Long before the Fleet became the chief prison in London for debtors, its chapel was used now and then for the solemnization of matrimony, when any of its inmates cared to add the fetters of wedlock to the manacles placed upon them by their gaolers. Writing to Lady Hicke in September, 1613, in a letter preserved in the Lansdowne MSS.,\* Alderman Lowe reported the marriage of Mr. George Lester with Mistress Babbington, and explained that the bride's wealth would enable her husband to live comfortably in the prison of 'the Fleete,' where her wedding took place. After the appropriation of the gaol to prisoners for debt, and persons committed for contempts of court, the number of the weddings performed in its chamber of worship steadily increased; but there is no reason to suppose that any of the marriages recorded in its oldest matrimonial register (A.D. 1674) were clandestine, or that the chapel of the prison was visited by the outer public for the accomplishment of secret matrimony before the Ecclesiastical Commissioners gave a temporary check to Mr. Elliott's doings at St. James's, Duke's Place. During the fifteen months, however, of that gentleman's suspension, furtive weddings were per-

\* 'Now I am to enform you that an ancyentt acquayntence of y<sup>rs</sup>. and myne is yesterday marryed in the Fleete, one M<sup>r</sup>. George Lester, and hath maryed M<sup>rs</sup>. Babbington M<sup>r</sup>. Thomas Fanshawe mother in lawe. Itt is sayed she is a woman of good wealthe, so as nowe the man wyll be able to lyve and mayntayn hymself in prison, for hether unto he hath byne in poor estate. I praye God he be nott encoryged by his marige to do as Becher doth, I mene to troble his frynds in lawe, but I hope he wyll have a better conseyence and more honestye than the other men hathe.'—*Vide* Lansd. MSS.

formed in the Fleet Chapel with significant and instructive frequency. By stopping irregular wedlock at the little church in Aldgate, the Commissioners had merely transferred the abuse to a quarter of the town where it was likely to prevail far more offensively. Driven from Duke's Place, where the marriages were performed with outward decency, though in violation of the canons, furtive and thrifty lovers hastened to the prison, where they had no difficulty in finding clergymen glad to couple them together at a moment's notice, without any care for the bishop's disapproval.

Mr. Elliott resumed his business in Duke's Place ; but during his compulsory absence from the scene of his notorious labours the public had learned more about the law of matrimony than the Ecclesiastical Commissioners wished the vulgar to know. Marriages continued to be solemnized in the Chapel of the Fleet during the next fifteen years, when the Bishop of London visited the prison, and inhibited the Rev. Jeronimus Alley from marrying spouses and also from performing any divine office in Fleet Chapel or anywhere else. Mr. Alley, being thus stript of his gown,—to use a popular mode of describing the effects of clerical suspension,—fled the diocese ; and history says nothing more about him. But Alley left behind him many gentlemen well qualified to do the work that had brought the episcopal judgment upon him. Clandestine and otherwise lawless weddings continued to occur at the Fleet Chapel, even though the legislature, by putting a duty on marriage licenses, and so making an offence against the canons an infringement of a secular statute, had

rendered it an inconvenient place for the solemnization of marriages without license. At the same time stolen marriages were celebrated in the chapel of the King's Bench Prison, in Southwark. Instead of being checked, or in any way diminished by new prohibitions, the practice of lawless wedlock rapidly increased.

But the increase of the mischief 'cannot be estimated by the comparatively small number of marriages actually performed within the walls of the prisons. At no time was that number relatively great. The evil was that, whereas irregular weddings had formerly been solemnized, with but few exceptions, in parish churches or important sacred edifices, clandestine lovers were now joined together with alarming frequency in obscure chapels or unconsecrated places. By calling attention to the lawless marriages, and stirring the question of their legality, the ecclesiastical chiefs had made the populace dangerously wise. It was discovered that there was a considerable difference between the law of the Church and the law of the land. It became known that, though the canons required ordinary weddings to take place in the parish churches and between certain hours of the day, a marriage might be solemnized at night, and in a secular building, and even without the assistance of a clergyman, and yet be as valid a union, for all civil purposes, as any wedding performed with banns or license by half-a-dozen bishops in a cathedral. Couples could be married in a tavern-parlour, or at a street-corner, as well as at church. Religious sentiment restrained the clandestine spouses from marrying without

clerical assistance; but amongst the decent and thrifty laity, who had no desire to dispense with the aid of the clergy, the opinion began to prevail that it was absurd for lovers to throw away money on licenses, when the costly parchments were not legally requisite. The new laws, which put a five-shilling duty on marriage licenses and certificates, and rendered every clergyman, guilty of marrying honest couples without banns or license, liable to a fine of 100*l*.<sup>\*</sup> only increased the disinclination of the commonalty to buy licenses. It is in the nature of the ordinary Englishman to abhor taxes, and avoid every impost that he can honestly escape. Unacceptable in former time, on account of its expense, the episcopal license, dispensing with publication of banns, became still more disagreeable when to buy one was to pay an avoidable tax.

The tax on marriage licenses and the fine put on clergymen convicted of marrying couples irregularly had other effects. In proportion as they increased the popular liking for irregular matrimony, and deterred the conscientious parochial incumbents from performing marriages irregularly, or allowing them to be celebrated uncanonically in their churches, they caused the lawless clergy to be more alert than ever to escape detection, and created a demand for places where matrimony could be effected in strict secrecy. The chapels within the walls of the prisons were no longer sufficiently secluded. Neither at the Fleet nor the King's Bench was it possible for a marriage to take place without the knowledge of

<sup>\*</sup> *Vide* Acts, 7th and 8th Wm. III., cap. 35, and 7th Wm.,

half-a-hundred gossips, who would be likely to inform the bishop, and bring trouble on the officiating clergyman or the authorities of the prison. Moreover, by the 10th Anne, cap. 18, sec. 192,—of which more will be said in another chapter,—the Warden of the Fleet was expressly forbidden to suffer irregular weddings to occur within his house. But long before that injunction was put upon him, the clandestine marriages performed *in* his chapel had become very few. The incumbents of St. James's, Duke's Place, and St. Trinity in the Minories, continued to marry large numbers of couples; but business fell away from them, because they deemed it prudent to require the spouses, whom they married, to provide themselves with licenses or defer marriage till their banns had been published. The bishop and the ecclesiastical commissioners might not trouble them, but civil tax-gatherers and their informers would be less forbearing. Describing the course of matrimonial business at Duke's Place, Mr. Southerden Burn says, 'The next book (also a large folio, but thinner than the first) commences in 1692 and ends July 28, 1700; and the marriages during this period continue very numerous. The *third* book commences with 25 March, 1700, and ends March, 1754, during which period the number of marriages decreased.'

The demand for places for the convenient celebration of irregular marriages was speedily supplied. Quick to see how they could make a profit out of the marriages that the incumbents of St. James's and Trinity could no longer perform with the desired promptness or secrecy, the clergymen, living in the little colony of debtors that surrounded the Fleet

prison, began to marry lovers in private houses or obscure chapels.

Sometimes these Fleet parsons exercised their vocation independently; but quite as often they were in partnership with the landlords of the taverns where they dwelt. The clergyman and tavern-keeper, thus associated in ministering to lovers, worked in the following manner. The layman fitted up a chamber of his hotel as a chapel, and officiated as clerk at the marriages performed in it by his ecclesiastical confederate. The pecuniary receipts were divided variously. In some cases, whilst the clergyman retained the whole of the fees paid for his services, the layman was content with the fees, accruing to him as clerk of the chapel, and with the increase of trade which irregular matrimony occasioned in his public-house. His gains from the liquor and food which he sold a select bridal party, his clerkly fee, and the small sum which he charged for the use of his chapel, remunerated the victualler liberally. But, in addition to these payments, he often received a per-centage of the fees paid to the parson. It often happened, also, that the lay-keeper of a marrying-house in Fleet Street had the matrimonial business altogether in his own hands, and instead of embarrassing himself with a partner kept a salaried chaplain on his premises. Doing business in this way, the publican gave his clerical inmate board, lodging, and a salary of twenty or thirty pounds a-year, and then put into his own till all the sums paid by spouses, coupled together under his roof, for clerical service, chapel accommodation, and refreshments. Not a few clergymen in difficulties, who had

outrun the constable at the universities, or squandered their means in the company of fox-hunting squires, were glad to secure in this way bed, board, and pocket-money, at hotels within a stone's throw of Fleet Ditch. But whether they were partners, or held the relations of master and servant, the publican and priest were bound by mutual interest to keep the worst of one another's secrets.

The more prosperous of the so-called Fleet parsons kept themselves as far as possible out of the power of the tavern-keepers. Occupying their own private lodgings, or even separate houses of which they were the punctually paying tenants, in courts and alleys adjacent to Fleet Street and Ludgate Hill, they preferred to solemnize marriages in their own parlours. These gentlemen pursued their calling steadily and methodically. They kept registers, in which they entered records of their professional doings; they kept account-books that demonstrate the largeness of their earnings; and, being men of some wit as well as some literature, they occasionally enriched their diaries and ledgers with quaint stories and piquant memoranda. They had in their pay touters—just such importunate, white-aproned varlets as one used to see in the narrow lanes of Doctors' Commons down to the recent date of the abolition of the Ecclesiastical Courts—who loitered about the chief thoroughfares of the Fleet quarter on the look-out for spouses in want of a parson. Moreover, they maintained friendly and lucrative arrangements with West End hotel-keepers and other persons in decent ways of trade, who sent them from time to time good pieces of business.

Nor may it be supposed that the activity of these lawless clergymen was confined to the quarter of the town where most of them resided. Several of them lived in the purlieus of King's Bench prison—in the filthy lodging-houses of 'The Mint,' that choicest place of refuge for the cut-throats and cut-purses of the metropolis. Indeed, during the earlier decades of the eighteenth century there was scarcely a district of London without a needy and immoral clergyman who was always on the alert to pick up a guinea by officiating at an irregular wedding. But whether he lived habitually in Southwark or Houndsditch, or the quarter from which his particular clerical species derived its distinguishing epithet, the Fleet parson exercised his calling wherever and whenever he was required to do so. He made frequent journeys of twenty or thirty miles into the country to execute clandestine weddings by midnight in rural taverns or churches, or in the parlours of manor-houses. In London he preferred to do duty in his own chamber or 'the chapel of the public-house,' to which he was specially attached; but on receiving a summons to appear by nightfall at the door of a West-end mansion, or at the gate of a suburban chapel, he put his surplice into a bag and his register into his pocket, and 'attended to the order with his customary punctuality.'\* If he re-

\* When the heroine of 'Sir Charles Grandison' had been seized and taken forcibly by night to Lissom Grove, to Mrs. Awberry's house, an attempt was made to make her forthwith go through the form of an irregular marriage with the atrocious Sir Hargrave Pollexfen. Recounting all the circumstances of her terrifying misadventure, from which she was rescued by the brave

ceived an invitation from a barrister to appear at dusk or early dawn in his canonicals under the chapel of Lincoln's Inn, he rubbed his hands with glee, for the counsellor, who made a clandestine match with an heiress, was sure to give the officiating priest a guinea.

Of the ninety or more places of worship in or near London, that through the operation of Lord Hardwicke's famous Marriage Act ceased to be places where marriages could be solemnized, a considerable proportion had afforded accommodation to lovers who, on perpetrating clandestine wedlock with the assistance of a Fleet parson, refused to be married in a tavern-keeper's mock-chapel. And it is certain that Lincoln's Inn Chapel was one of these 'lawless chapels,' as they were designated in reference to the facilities which they afforded for the performance of irregular matrimony.

So long as Lincoln's Inn, like the other three

Sir Charles Grandison, Miss Harriet Byron wrote to her friend Miss Selby, 'And instantly entered the most horrible looking clergyman that I ever beheld. This, as near as I can recollect, is his description:—A vast, tall, big-boned, splay-footed man. A shabby gown; as shabby a wig; a huge red pimply face; and a nose that hid half of it, when he looked on one side, and he seldom looked fore-right when I saw him. He had a dog's-eared common prayer-book in his hand, which once had been gilt; opened,—horrid sight,—at the page of matrimony. . . . The man snuffed his answer through his nose. When he opened his pouched mouth, the tobacco hung about his great yellow teeth.' It is not probable that Sir Hargrave engaged so villanous a specimen of the Fleet clergy to officiate at the cottage near Paddington Green as Miss Harriet would have us believe. The heroine was in no mood to do justice to the personal and moral endowments of the priest, who would fain have married her to the odious Sir Hargrave.—*Vide* 'Sir Charles Grandison's Letter XXX.'

Inns of Court, was the ordinary residence of many married lawyers and their families, its chapel was, of course, largely used by its members for matrimonial purposes. Many of the young ladies, who lived in the new law-quarter on the north of Holborn, were also married at the Inn to which their fathers or brothers belonged. There is, therefore, no reason to impute irregularity to the majority of the two or three thousand marriages solemnized in Lincoln's Inn Chapel before the year 1754. But some of the entries in its register of marriages prove that, either with or without the knowledge of the Benchers of the Honourable Society, Lincoln's Inn Chapel was now and then the scene of a Fleet marriage. Here is a record and proof of the Chapel's lawlessness: \* 'Then, Wednes:

\* Other entries in the Lincoln's Inn Register of Marriages run thus:—'Then Sunday, the 6 November, 1698, were married by Mr. Taylor, Minister of the Fleete, James Ruthven from ye parr St. Bartholomews Great, Gentlm., and Elizabeth Bladen of parr. St. Clem. Danes.'—'21 July, 1700, Benjn Barodale from ye Pallace Yard of ye parr. of St. Margar. Westminster, pot-painter, and Mary Milcox of ye same par.'—'Then Thurs. ye 4 of Aug. 1709, were marri, first couple brought by one that keeps a chandlers shop backside Clem.: Yai came from ye City and went to Oxford.'—'Then Thurs. Octobr ye 6, -709, were marri Mr. Dampney's two friends, the one from Southgate, I think, in ye country, and ye other from a comb-maker's, Holb.-bridge.'—The following are some of the chapels which ceased to be buildings for the lawful solemnization of wedlock through the action of George the Second's Marriage Act:—'Abp.'s Chapel, Lambeth; Ask's Hospital Chapel, Hoxton; Asford Chapel, Middlesex; Bancroft's Chapel, Mile End; Berwick Street Chapel; Bridewell Hospital Chapel; Beaufort Chapel; Brentwood Chapel; Broadway Chapel, Westminster; Burlington House Chapel; Chapel of Canons; Carnarvon's Chapel; Charterhouse Chapel; Devonshire

Feb'y. ye 2nd, 1703-4, were marr. Balthazar Sommer and Mary Smith, but yey refused to pay ye dues for yer marriage, or to give any account where yey lived, yey were known to Mr. Sandars, a Concellor in Devereux Court.' Spouses marrying clandes-

Square Meeting House ; Ely House Chapel ; Exeter Chapel, Clerkenwell ; Fleet Prison Chapel ; Foundling Hospital Chapel ; Fulham Palace Chapel ; Gray's Inn Chapel ; Great Queen Street Chapel ; Grosvenor Square Chapel, Audley Street ; Guildhall Chapel ; Greenwich Hospital Chapel ; Hampton Court Chapel ; Hammersmith Chapel ; Henry VII.'s Chapel ; Highgate Chapel ; Homerton Chapel ; Hounslow Chapel ; Ilford Chapel ; Kentish Town Chapel ; Kensington Palace Chapel ; King's St. Chapel, St. James's ; King's Bench Prison Chapel ; Kingsland Chapel ; Knightsbridge Chapel ; Lambe's Chapel ; Leadenhall Chapel ; Lincoln's Inn Chapel ; Long Acre Chapel ; London House Chapel ; Mint Chapel ; May-Fair Chapel ; Maddock's Street Chapel ; Mercer's Chapel ; Morden College Chapel ; New Street Chapel ; Newgate Prison Chapel ; Noble Street Chapel ; Norwood Chapel (Hayes, Middlesex) ; Northall Chapel, Middlesex ; Oxford Chapel, Marylebone ; Oxendon Chapel ; Poplar Chapel ; Queen Square Chapel, Westminster ; Queen's Square Chapel, Bloomsbury ; Roll's Chapel ; Rumford Chapel ; Russell Court Chapel ; St. James's, Chapel Royal ; St. James's, German Chapel ; St. James's, Dutch Chapel ; St. John's Chapel, Clerkenwell ; St. John's, Ailesbury Chapel ; St. John's Chapel, Bedford Row ; Salisbury Chapel ; Somerset House Chapel ; Sergeant's Inn Chapel ; Staple's Inn Chapel ; Southgate, Arnold's, or Weld's Chapel ; Spring Gardens' Chapel ; Trinity Alms-House Chapel ; Trinity Chapel, Conduit Street ; Wapping Chapel ; Wanstead Chapel ; Warwick Street Chapel ; Wheeler's Chapel, Spitalfields ; Whitehall Chapel ; Wood Street, Compter Chapel ; Zion Chapel, Hampstead ; the Various French Protestant Chapels.'—*Vide* John Southerden Burn's 'History of Parish Registers.' The Act, already named, disqualified these chapels for purposes of wedlock, by requiring 'That from and after the twenty-fifth day of March, in the year of our Lord, 1754, all banns of matrimony shall be published in an audible manner in the parish church, or in some publick chapel, in which publick chapel Banns of Matrimony have been usually published.'—*Vide* Lord Hardwicke's Marriage Act.

tinely often withheld their surnames from the officiating clergyman, and caused him to leave blank spaces in their 'marriage-lines,' in which they inserted their names for themselves. Instances of this reticence occurred at Lincoln's Inn. On Thursday, August 4, 1709, a man and woman were married in the chapel of the Inn, respecting whom the registrar could say nothing more definite than that they were 'the first couple brought by one that keeps a chandler's shop backside Clem.' *i. e.* at the back of St. Clement Danes' Church, and that 'Yai came from ye City and went to Oxford.' Two days later the registrar recorded the marriage of another couple, of whom he could only say, 'Mr. Dampneys' two friends; the one from Southgate, I think, in ye country, and ye other from a combmakers, Holb. Bridge.'

Scanty particulars have been preserved of about forty persons who were keepers of marrying-houses. Some of these persons were turnkeys, or subordinate officials, in the Fleet Prison, like Bartholomew Bassett, who was clerk of the Fleet Chapel, and tenant, at the exorbitant rent of 100*l.*, of the Fleet cellars, where marriages were solemnized secretly. It was at Bassett's office, or private chapel, that Beau Fielding married his first wife, before he fixed his affections on the Duchess of Cleveland. A few of the forty negotiators in wedlock were women, who had come into possession of a register and marrying business by inheritance. Most of them, however, had in the first instance been simple inn-keepers, supplying the public with adulterated liquors before they entered the matrimonial trade.

Standing in the chief thoroughfares or side-alleys and by-yards of the Fleet quarter, their taverns had signs, some of which still pertain to hostelries of the locality. For instance, 'The Cock,' near Fleet Bridge, and 'The Rainbow Coffee-House,' at the corner of Fleet Ditch, were famous marrying-houses, with signs honourably known at the present day to frequenters of Fleet Street taverns. The 'Cock and Acorn,' the 'Fighting Cocks,' the 'Shepherd and Goat,' the 'Golden Lion,' the 'Bishop Blaze,' the 'Two Lawyers,' the 'Wheatsheaf,' the 'Horseshoe and Magpie,' the 'King's Head,' the 'Lamb,' the 'Swan,' the 'Hoop and Bunch of Grapes,' were some of the taverns in or near Fleet Street and Fleet Market, provided with chaplains and chapels, or private rooms, in which marriages were solemnized on every day and night of the year. William Wyatt—brother of the notorious and very successful Fleet parson, Walter Wyatt—was landlord, first of a public-house in Sea-Coal Lane, and afterwards of the 'New Market House,' Fleet Lane, in both of which houses he drove a great trade, and flourished under his stately brother's patronage. The 'Hand and Pen' was a sign which proved so attractive to the generality of spouses, that after it had brought success in trade to one house, competitors of the original 'Hand and Pen' public-house adopted it. Joshua Lilley's 'Hand and Pen' stood near Fleet Bridge; Matthias Wilson's 'Hand and Pen' looked out on the Fleet Ditch; John Burnford's 'Hand and Pen' kept open door at the foot of Ludgate Hill; and Mrs. Balls had her 'Hand and Pen' office and registry of marriages within sight of the other

three establishments of the same name.\* When Ben the Bunter, whose wedding has already been mentioned in this work, married fair Kitty of Kent Street, he went to the 'Hand and Pen,' and was fast-bound to his damsel by a stout and florid clergyman, for the moderate fee of half-a-crown.† But whether the worthy Bunter went to the original

\* Two or three of the marrying-houses were not taverns, but shops that did little or no business in the sale of food and drink. One of the four 'Hand and Pen' wedding-offices was a barber's shop. At a trial for bigamy, 1737, at the Old Bailey, a witness, John Hall, deposed, 'I saw her married at the Fleet,' *i. e.* in the Fleet quarter, 'to Robert Holmes; 'twas at the "Hand and Pen," a barber's shop.'—*Vide* Burn's 'History of the Fleet Marriages.'

† 'Good people attend, I'll discover  
 A wedding that happened of late,  
 I cannot tell why we should smother  
 The weddings of poor more than great :  
 'Twixt Ben of the Borough, so pretty,  
 Who carries a basket, 'tis said,  
 And dainty plump Kent Street fair Kitty,  
 A vermin-wool-cutter by trade.

. . . . .

But when at Fleet Bridge they arrived,  
 The bridegroom was handing his bride,  
 The sailors they all to him driven,  
 "Do you want a parson?" they cry'd.  
 But as they down Fleet Ditch did prance,  
 "What house shall we go to?" says Ben,  
 When Kitty in raptures made answer,  
 "Let's go to the Hand and the Pen."

Then into the house they did bundle,  
 The landlady show'd them a room,  
 The landlord he roared out like thunder,  
 "The parson shall wait on you soon ;"  
 Then so eager he came for to fasten,  
 He staid not to fasten his hose,

‘Hand and Pen,’ or one of the three spurious and piratical establishments, history does not say.

As each of the marrying-houses employed a touter to hang about Fleet Street and Ludgate Hill, and the approaches to those thoroughfares, and bring to its chapel spouses in search of a parson, it was seldom that a solitary wayfarer of marriageable years could walk from St. Paul’s Churchyard to Temple Bar without being solicited by a ‘plier’ to accompany him to a convenient tavern. It was assumed by the touters that every unattended passer had approached the quarter to make arrangements for a marriage to be solemnized in the course of a few hours. If a gentleman and lady appeared on the scene, walking arm in arm, it was taken for granted that they were an engaged couple bent upon immediate matrimony. The touters were of both sexes, the women often surpassing the men in loquacity and impudence.\*

A fat-bodied, ruddy-fac’d parson,  
That brandy had painted his nose.

But before he the couple did fasten,  
He looked all around on the men,  
“My fare’s half-a-crown,” says the parson.

“I freely will give it,” says Ben :  
Then Hymen he presently followed,  
And the happy knot being ty’d,  
The guests they whooped and hollowed,  
All joys to the bridegroom and bride.’

*Vide ‘The Bunter’s Wedding.’*

\* ‘Where lead my wandering footsteps now?—the Fleet  
Presents her tattered sons in Luxury’s cause ;  
Here venerable *crape* and scarlet cheeks,  
With nose of purple hue, high, eminent,  
And squinting leering looks, now strikes the eye.  
B—s—p of Hell, once in the precincts call’d,

The stranger, unfamiliar with the humours of the place, who omitted to repel disdainfully the first beggar, soon found himself surrounded by half a score of 'pliers,' vaunting the merits of their respective establishments, and wrangling against each other, as though he were a prize that would fall to the most vociferous of his assailants.

These street agents of the marrying houses, or of Fleet parsons having no commercial interest in the taverns, were the pest of the district. Many of them were pickpockets, clever at stealing the purses of the people whom they addressed. But Londoners, who knew how to keep them at arm's length, delighted in their impudence, and liked to watch their devices for luring rustic damsels and sheepish bachelors into the toils of wedlock. Nor can it be denied that the incidents, arising daily from the competition of the touters, were often very ludicrous.\*

Renown'd for making thoughtless contracts, here  
 He reign'd in bloated majesty,  
 And passed in sottishness and smoke his time.  
 Revered by Gin's adorers and the tribe  
 Who pass in brawls, lewd jests, and drink, their days,  
 Sons of low, groveling riot and debauch.  
 Here cleric grave from Oxford ready stands,  
 Obsequious to conclude the Gordian knot,  
 Entwin'd beyond all dissolution sure ;  
 A regular this from Cambridge ; both alike  
 In artful stratagem to tye the noose,  
 While women " Do you want the parson ? " cry.'

*Vide 'The Humours of the Fleet.'*

\* A writer (May 29, 1736) gives, in a newspaper scrap, preserved in 'The Humours of the Fleet' (Brit. Mus.), the following account of what he witnessed during a walk through the Fleet quarter:—"Gentlemen, Having frequently heard of the many abominable practices of the Fleet, I had the curiosity on Sunday,

Here is a scene that the pencil of a clever artist has given to students of human manners in an Hogarthian picture, entitled 'A Fleet Wedding between a brisk Young Sailor and his Landlady's Daughter at Redcliffe.' There stands the coach, from which the bridal party have just alighted at the foot of Ludgate Hill, to the riotous glee of half a hundred loiterers. The touters are pressing upon the bride and groom, entreating their attention, and battling with one another for the prey. 'Do you want a parson?' one varlet asks confidentially, with a beseeching, wheedling look in his eager face; when a touter of another style pushes forward, and says authoritatively to the young sailor, 'This is the way,

May 23, to take a view of the place as I was accidentally passing by. The first thing observed was one J—— L——, by trade a carpenter (whose brother it is said keeps the sign of the B—— and G——) cursing and swearing, and raving in the streets, in the time of divine service, with a mob of people about him, calling one of his fraternity (J. E.), a plyer for weddings, an informing rogue, for informing against one of their ministers for profane cursing and swearing, for which he paid three pounds odd money; the hearing of which pleased me much, since I could find one in that notorious place which had some spark of grace left; as was manifested by the dislike he showed to the person that was guilty of the profanation of God's sacred name. When the riot was dispersed, I walked about some small time, and saw a person exceeding well dressed in a flowered morning-gown,—a band, hat, and wig,—who appeared so clean that I took him for some worthy divine who might accidentally have come out of the country, and as accidentally be making the same remarks with myself; but upon inquiry was surprised at being assured that he was one T—— C——, a watchmaker, who goes in a minister's dress, personating a clergyman, and taking upon him the name of Doctor, to the scandal of the sacred function. He may be seen at any time at the 'Bull and Garter,' or the great 'Hand and Pen and Star,' with these words written, 'The Old and True Register,' near the Rain-

sir; I am from the Hand and Pen.' 'He from the Hand and Pen!' screams a third applicant fiercely and derisively. 'Why, your honour, his register was opened only yesterday. I am the clerk of the *original* Hand and Pen.' Two clergymen in full canonical dress, — one a stately, bland, Pecksniffian personage; the other an ecclesiastic with a visage eloquent of its owner's addiction to the gin-bottle, — survey the young couple with tender interest. But the bride's mother knows the ground, and what she is about. It is evident from her air of self-possession that she has been on a former occasion to 'the Fleet,' and will not be drawn away from the tavern which she has decided to enter.\*

bow Coffee-House. Please to give this a place in your paper, and you will not only oblige one of your constant readers, but may prevent many innocent persons from being ruined. — I am, Gentlemen, your humble Servant,  
T. L.'

Perhaps T. C. the watchmaker, was the same impostor, whose committal to Bridewell is mentioned in the following paragraph from a Journal of 1740 :— 'On Friday last was brought before Sir Joseph Hankey, at Guildhall, a man in a clergyman's habit, for begging, which he made a common practice of. He was committed for further examination the next day, when it appeared he was a notorious idle fellow, and common cheat, having made use of that habit only to impose on the public, as also to perform the office of marrying several persons at the Fleet Prison, whereupon he was committed to Bridewell to hard labour.'

\* In explanation of his picture, the artist of 'A Fleet Wedding' has put under the engraving these verses :—

'Scarce had the coach discharged its trusty fare,  
But gaping crowds surround th' amorous pair;  
The busy Plyers make a mighty stir,  
And whispering cry, "D'ye want the Parson, sir?  
Pray step this way—just to the Pen in Hand,  
The doctor's ready there at your command."

Another picture by the same artist exhibits a nuptial party drinking and making merry in one of the Fleet taverns. The chief table of the festal room is covered with punch-bowls, glasses, pipes, and dishes, and is surrounded by a jovial crew. The simple sailor, on whom a wily dame has foisted a shameless hussy, is surveying proudly the features and dress of his unworthy bride. The lawyer, who has drawn the bride's marriage-settlement, is smiling benignantly on the mother-in-law, whilst the clergyman, who married the happy couple, sits at table in his gown and bands, and watches with a critical air the performance of one of the bridegroom's ship-mates, the best man, who is dancing a hornpipe to the uproarious gratification of the assembly. In cynical reference to the usual life of wedded couples who have survived the illusions of the honeymoon, the satirist has depicted, amongst the details of his work, a cat and dog engaged in a ferocious conflict.

'The Lawyer grins, and Peg, with wanton glance,  
Seems much delighted with Tom's antic dance,  
Kit kisses Kate, vows she shall be his wife,  
While cat and dog resemble nuptial strife.'

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"This way" (another cries), "Sir, I declare,  
The true and ancient Register is here."  
Th' alarmed Parsons quickly hear the din,  
And haste with soothing words to invite 'em in.  
In this confusion, jostled to and fro,  
The inamoured couple know not where to go ;  
Till slow advancing from the coaches side,  
The experienced matron came (an artful guide),  
She led the way without regarding either,  
And the first Parson spliced 'em both together.'

*Vide* 'Humours of the Fleet : ' the scrap-book  
preserved in the British Museum.

Whilst the Fleet quarter abounded with marrying-houses, several of the suburban innkeepers provided spouses with the means of perpetrating marriage within sight and scent of the green fields. Little chapels, with rock-work porches and coloured-glass windows, were erected in pleasant tea-gardens, for the benefit of lovers who wished to 'make their wedding' in the country. Zion Chapel, Hampstead, — one of the chapels deprived of their privileges in the matrimonial market by Lord Hardwicke's Act, — was the property of a victualler, who informed the public by advertisements in the newspapers, that couples of the best fashion \* had been wedded at its altar. A regularly ordained chaplain was always in attendance at the proprietor's hotel, where every refreshment that fainting brides could require might be had at moderate prices. The charge for the use of chapel and the chaplain's services was only five shillings per wedding; and this small sum was not required from the bride and groom who gave their nuptial dinner-party at the hotel. For appearance's sake, and to place the character of his house above suspicion, the Zion Chapel publican required in his advertisements that spouses should be duly

\* A London newspaper, of the date Sept. 8, 1716, contained the following advertisement:— 'Sion Chapel, at Hampstead, being a private and pleasure place, many persons of the best fashion have lately been married there. Now, as a minister is obliged constantly to attend, this is to give notice that all persons bringing a license, and who shall have their wedding-dinner in the garden, may be married in the said Chapel without giving any fee or reward whatsoever, and such as do not keep their wedding-dinner at the gardens, only five shillings will be demanded of them for all fees.'—*Vide* Hone's 'Year Book.'

provided with licenses ; but it is needless to say that neither he nor his chaplain made it a rule to examine the nuptial licenses of matrimonially disposed customers. Not a few of the spouses, married at the Hampstead grotto and the other establishments for irregular marriages, came, however, to the altar with proper licenses in their hands. The cost of a license was cheerfully incurred by many a bridal couple whose chief object in having recourse to the prevailing mode of private wedlock was to escape the embarrassing publicity of marriage in open church and the expenses of nuptial hospitality.

## CHAPTER XI.

## THE FLEET CLERGY.

IN their competition for business, the Fleet parsons\* undersold one another, so that the average payment for a priest's service at an irregular wedding in George the Second's reign was not a quarter of the fee usually paid for the same assistance to Mr. Elliott, of St. James's, Duke's Place, in Charles the Second's time. The sailors, who came from the river's side to the precincts of the debtors' gaol in companies of tens and twenties, to be coupled with the lowest women of the Thames-bank alleys, thought that half-a-crown was the full sum that a clergyman could fairly ask for his work at a single marriage. And cases often happened where a Fleet clergyman married a stingy couple for eighteenpence, or a shilling and a small glass of execrably bad brandy. Many of the spouses were so profligate and dis-

\* The number of the clergymen who subsisted in London, between the years 1700 and 1754, by officiating at irregular weddings, cannot be stated precisely; but registers of their doings, preserved at the Bishop of London's Registry and elsewhere, show that their number was not less than seventy. In all they may have amounted to a hundred persons; but of these lawless ecclesiastics it is not probable that so many as fifty were *in exercise at the same time*.

honest that, on being made man and wife, they were not ashamed to run away from the scene of their wedding without giving the priest a single farthing.

In the earlier years of George the Second's time, however, a Fleet parson of good standing in his discreditable calling looked for a guinea from every couple whom he married, out of which sum he paid for the five-shilling stamp on the certificate of matrimony that he delivered to the bridegroom. If the wedding was solemnized at a marrying tavern, the clergyman gave the tavern-keeper a gratuity of a shilling before he went away with three clear crown-pieces in his pocket. A gentleman of fashion and estate, entering marriage by the door of a public-house, besides paying the demanded guinea for work done and the stamped certificate, often threw the parson an additional guinea.\*

Most of the Fleet parsons were miserably indigent. Their earnings were as irregular as their practices; and it often happened that a marrying

\* Successive Acts of 5 Will. & Mary (A.D. 1694); 6 & 7 Will. III. (A.D. 1695); 7 & 8 Will. III. (A.D. 1696); and 10 Anne, put a duty of five shillings on every marriage-license or marriage-certificate. The reader may not commit the common error of mistaking the one document for the other. Fleet Clergymen, of the less indigent sort, seldom gave certificates on unstamped paper, though they habitually married couples without banns or license. The Fleet bride, in the lowest social grades, usually went home without any certificate of the ceremony that had made her a wife. Sooner or later, the parsons, who gave certificates on unstamped paper, fell into the hands of the informers and magistrates. 'The clergymen,' says a newspaper, A.D. 1730, 'who perform marriages within the rules of the Fleet Prison, are all under prosecution at the suit of the Crown, for not giving their certificates on stamped paper, pursuant to the statute in that use made and provided.'

minister, living with a wife and children 'in the liberties,' was in arrears for the weekly rent of his squalid lodging, and had not tasted brandy or bread for twenty-four hours. The bachelors of this strange brotherhood of clerical black-sheep could usually provide for their wants by acting as the salaried chaplains of the tavern-keepers, if not by the independent exercise of their profession; but the unlucky married Fleet clergymen passed their lives in abject penury.

The case was very different with the few leaders of the profession who were aided by insinuating address and gentlemanlike appearance, and had aristocratic patrons in the fashionable quarters of the town.

One of these comparatively fortunate offenders against the canons was the stately Dr. Gaynam, who lived for many years in Bride Lane, and never walked down Fleet Street in his silk gown and bands without drawing attention to his commanding figure and handsome, though significantly rubicund, face. Nothing ever put the doctor out of humour or countenance. He was on several occasions required to bring one of his marriage-registers to the Old Bailey, and give evidence in a trial for bigamy; but no gentleman of the long robe ever disturbed the equanimity of the shameless ecclesiastic, who, smiling and bowing courteously to his questioner, answered, '*Video meliora, deteriora sequor*,' when an advocate asked him, 'Are you not ashamed to come and own a clandestine marriage in the face of a court of justice?' Even when Walter Chandler beat him with a stick, the doctor took his caning with well-bred

composure. The popular nickname of the doctor declared him the bishop of an extremely hot diocese, but his manner and language were never deficient in coolness. When this clerical notoriety disappeared from the Fleet quarter, some time about the year 1740, Dr. Edward Ashwell, a reprobate whose worst crimes against womankind were not perpetrated in the way of professional duty, came to the front rank of the lawless priests.

Peter Symson, who for a while officiated at the Mayfair Chapel during its proprietor's incarceration in the Fleet, was another of the more successful parsons in the marrying trade; but at the present date his claims to commemoration in the annals of the irregular clergy rest chiefly on the neatness of the handbills which his touters used to force into the hands of gentlemen and ladies walking eastward along the Strand. The most attractive features of the reverend man's 'card' were its announcement that he had formerly been chaplain to the Earl of Rothes,\* and its cautious intimation that he exercised his profession with his sovereign's sanction.

*G.R.*

AT THE TRUE CHAPEL,

At the Old Red Hand and Mitre, three doors from  
Fleet Lane and next door to the White Swan,

MARRIAGES ARE PERFORMED BY AUTHORITY

BY THE REVEREND MR. SYMSON,

Educated at the University of Cambridge and late  
Chaplain to the Earl of Rothes.

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*N.B.—Without Imposition.*

Poor Mr. Symson lived to see the evil time when the legislature abolished his department of the clerical calling, without compensating or making any kind of provision for its practitioners.

Another Fleet clergyman, who survived till the same cruel period, was the Reverend Daniel Wigmore, who, in the pursuit of the strictly commercial side of the wedding trade, was guilty of indiscretions that caused him to be handed down to posterity in the 'Daily Post,' May 26, 1738, as a dealer 'convicted, before the Right Honourable the Lord Mayor, of selling spirituous liquors contrary to law.' Even more unfortunate, in the presence of outraged justice, than this reverend retailer of spirits, was Mr. John Mottram, who bore for his arms 'S. a chev. Arg. charged with three roses between three cross-lets Or,' and used to marry couples within the walls of the Fleet, not in the chapel of the prison, but 'in a room of the Fleet they called the Lord Mayor's Chapel, which was furnished with chairs, cushions, and proper conveniences.' It is recorded in the 'Weekly Journal,' respecting this establishment for weddings, 'that a coalheaver was generally set to ply at the door to recommend all couples, that had a mind to be marry'd, to the prisoner, who would do it cheaper than anybody.' Mr. Mottram could afford to be moderate in his charges, for he transacted an enormous amount of business. From one of its registers it appears that he married more than 2200 couples in a single year. He was a very obliging gentleman, and never declined to put on a certificate of marriage the date that was most agreeable to the feelings of the bride. On the occasion

of his trial at the Guildhall in 1717, before Lord Chief Justice Parker, it appeared that this accommodating spirit had caused him to enrich certificates of his own penmanship with dates prior to the day of his own ordination. Convicted of solemnizing marriages unlawfully, Mr. Mottram was fined 200*l.*; but this misadventure did not deter him from persevering in the practices to which he is indebted for notice in the present work. Ten years later he retired from practice,—perhaps also from life.

The Reverend Robert Cuthbert, solemnizer of matrimony in and near Fleet Street (*temp.* 1723–1730), was remarkable in his day as one of the best riders and judges of horseflesh in London. His equestrian taste caused him to prefer country to town practice; and he was seen to best advantage just as he put spur to the flank of his blood-mare, and went off at a hand-gallop to keep a professional appointment at Richmond or Windsor. He used to pay his groom 10*l.* a year,—liberal wages for a manservant a hundred-and-forty years since. Whether the groom distributed his employer's handbills history has omitted to say; but it is probable he was by turns touter and stableman.

Whoever thinks meanly of the Reverend John Lando, whilom 'chaplain to His Majesty's ship "*The Falkland*,"' holds an opinion at variance with that gentleman's estimate of himself; for Mr. Lando used to inform the readers of newspaper-advertisements that he was a 'gentleman' who had 'gloriously distinguished himself in defence of his king and country,' and that he was 'determined to have everything conducted with the utmost decency and regularity'

at his place of business, 'the New Chapel, next to the China Shop, near Fleet Bridge, London.' His charge for officiating at a wedding, and providing the happy couple with a 'certificate and crown stamp,' was a guinea. He was 'a regular-bred clergyman,' in spite of the calumnious insinuations of his rivals; and he was 'above committing those little mean actions that some men impose on people.'\* In his zeal for the welfare of society, he taught young people Latin and French at his chapel three times a-week.

But of all the Fleet clergymen, the one to make the largest and soundest success was the Reverend Walter Wyatt, who began to marry couples in Queen Anne's time, and followed his calling to the time of his death in March, 1750, when he left to his children a considerable property that he had accumulated in the course of practice. It is probable that he had a share in the profits of the taverns which his brother William managed successively in Seacoal Lane and Fleet Market. It is certain that the two

\* 'Marriages with a license, certificate, and a Crown Stamp, at a guinea, at the New Chapel, next door to the China Shop, near Fleet Bridge, London, by a regular bred Clergyman, and not by a Fleet Parson, as is insinuated in the public papers; and that the town may be freed from mistakes, no Clergyman being a prisoner in the Rules of the Fleet dare marry; and to obviate all doubts, this chapel is not in the verge of the Fleet, but kept by a gentleman who was lately Chaplain on board one of His Majesty's men-of-war, and likewise has gloriously distinguished himself in defence of his king and country, and is above committing those little mean actions that some men impose on people, being determined to have everything conducted with the utmost decency and regularity, such as shall be always supported in law and equity.'—*Vide* 'Daily Advertiser.'

brothers played into one another's hands, and that whilst the inn-keeper sent the clergyman many a piece of clerical work, the Reverend Walter took every occasion to recommend his brother's house of entertainment. The entries in one of the clergyman's note-books show that he received in October 1748, for officiating at weddings during the course of that month, 57*l.* 12*s.* 9*d.*; and it does not appear that this sum exceeded his average monthly earnings during the height of his activity. In estimating his income, it should, moreover, be borne in mind that the Fleet parson, in addition to the fees paid for his services at weddings, derived considerable emolument from the custody of registers of marriages, which no one could inspect without his permission. For every copy of an entry in his records, he received a fee, the amount of which it devolved on him to fix. He sometimes charged as much as two guineas for a copy of a matrimonial certificate. As the keeper of registers that contained or might be found to contain serviceable information, solicitors, searching for evidence of marriages, paid him in the course of years a great deal of money. He was, also, from time to time, paid highly for his evidence in law-suits whose result depended on his testimony.

By his will the Reverend Walter Wyatt appointed his brother William to be guardian of his children, bequeathed to his son William his library and sermons, and made bequests to his daughters, Jemima, Katherine, and Mary, to the last-named of whom—the wife of Mr. Thomas Gorden of Colebrook,—he left his estate in Oxfordshire. Several of the

descendants of this fortunate clergyman of the Fleet did, or are doing, well in life. His son went to Cambridge, and on taking orders acquired important preferments in the Church, which enabled him to provide adequately for a numerous family.

Walter Wyatt does not appear to have been altogether guiltless of the highly criminal practices that were usual with the Fleet clergy; but, notwithstanding the bad account he gave of himself\* in a moment of contrition, he may be credited with respectability, in as far as it was possible for a man of his calling to be decent and honest. The most serious professional blunder of which he was guilty, occurred towards the close of his career, when, after Alexander Keith's committal to the Fleet, he established a chapel in the 'Sun' public-house, hard by the little Mayfair 'chapel with a porch,' and endea-

\* In one of his several diaries and registers he wrote:—'Give to every man his due, and learn ye the way of truth. This advice cannot be taken by those that are concerned in ye Fleet marriages; not so much as ye priest can do ye thing yt is just and right there unless he designs to starve. For by lying, bullying, and swearing to extort money from the silly and unwary people, you advance your business and gets ye pelf, which always wastes like snow in sunshiney day.' Again, 'The fear of the Lord is the beginning of wisdom. The marrying in the Fleet is the beginning of eternal woe.' Again, 'If a clark or plyer tells a lye, you must vouch it to be as true as ye gospel; and if disputed you must affirm with an oath to ye truth of a downright damnable falsehood. Virtus laudatur et alget.' Again, 'May God forgive me what is past, and give grace to forsake a wicked place, where truth and virtue can't take place, unless you resolve to starve.' Probably the poor man was recovering from an illness when he wrote thus penitentially. Anyhow, he was superior to most of his professional competitors in being capable of shame and remorse, even as he was superior to them in decency and general honesty.

voured to increase his income by a branch practice in the West End of the town. But in this attempt to encroach on a rival's ground he did not persevere. After a few weeks of disappointment he withdrew his assistant from the Sun Tavern, and decided to leave the deputies of the imprisoned Keith in undisputed possession of the Mayfair public.\*

The practitioner, on whose ground Walter Wyatt thus intruded with no good result, was the irregular parson whose doings were most familiar to the quality of the West End. A man of good presence, insinuating manners, and jocular tongue, Alexander Keith had officiated as Reader of the Rolls' Chapel, when he was appointed in 1730, to be the incumbent of the Mayfair Proprietary Chapel,—a building recently erected to minister to the spiritual needs of a new quarter of squares and streets, chiefly inhabited by aristocratic families. The preacher for a while filled the new pulpit to the unqualified satisfaction of his electors. His eloquence drew a large congregation to the chapel, and 'society' declared him to be a young man who would rise to the highest offices of the Church. His endowments were

\* Whilst Wyatt's agent was vainly labouring to establish himself in Mayfair, Mr. Keith caused the following paragraph to be inserted in some of the London papers :—'Mr. Keith perceiving by the newspapers that it has been artfully insinuated that Mr. Keith's chapel in Mayfair is removed lower down, this is to satisfy the publick that the chapel set up in the Sun Tavern, one pair of stairs, is not Mr. Keith's ; but Mr. Keith's chapel continues to be where it was before, namely, within ten yards of the Great Chapel, where the marriages are performed by a regular clergyman, for a guinea as usual, under the license, on a five-shilling stamp and certificate.'—*Vide* 'Humours of the Fleet.'

so considerable that he would, perhaps, have fulfilled the predictions of his admirers, had he not first lived with extravagance, and then, in the hope of liberating himself from pecuniary difficulties, had recourse to improper practices to increase the number of fashionable marriages solemnized at his chapel. The great world having taken him by the hand, he found no difficulty in persuading the fair leaders of fashion to come to his chapel for the celebration of the weddings of their sisters and daughters. It became the *mode* for damsels of high degree to be married by Mr. Keith and at his chapel,—a change in fashion that sorely displeased Dr. Trebeck, the Rector of St. George's, Hanover Square, who saw his church in danger of losing a *prestige* that was in several ways agreeable and beneficial to its chief clergyman. To preserve a lucrative monopoly and the privileges of his office, the rector declared that marriages solemnized in his parish without special license should be celebrated nowhere but in the parish church. Mr. Keith thought otherwise, and defied the rector to stop his industry in matrimonial work. Society sided at first with Mr. Keith,—because he was well-looking and witty; because he was poor and known to want the nuptial fees; and yet more, because he was 'the fashion.' It seemed only fair that the young clergyman should be allowed to officiate at the weddings of the brides who were members of his regular flock. Dr. Trebeck should be content with his splendid living, and allow Mr. Keith to do his best to make an income at his unendowed chapel.

In his dispute with Dr. Trebeck, and the litigation consequent on the dispute, society went with

Mr. Keith ; but the Judge at Doctors' Commons decreed for the rector. Keith argued his case with much clever talk and bad law. The adverse decision caused the defendant to lose his temper ; and in reply to a sentence of excommunication, he had the effrontery to tell his congregation that he had excommunicated the Rector of St. George's, Hanover Square, Bishop Gibson, and the Judge who had given the unjust judgment. The impudent retort did not affect the decree or its consequences. Compelled to retire from Mayfair Chapel,\* the Rev. Alex-

\* 'To prevent mistakes,' he advertised, 'the little new chapel in May Fair, near Hyde Park Corner, is in the corner house opposite to the city side of the great chapel, and within ten yards of it, and the minister and clerk live in the same corner house where the little chapel is ; and the license on a crown stamp, minister and clerk's fees, together with the certificate, amount to one guinea as heretofore, at any hour till four in the afternoon. And that it may be the better known, there is a porch at the door like a country-church porch.'—*Vide* 'Daily Post. When Harriet Byron, the heroine of Richardson's 'Sir Charles Grandison,' was seized and kidnapped, on leaving the masquerade in the Haymarket, by order of Sir Hargrave Pollexfen, the agent of the diabolical baronet told the bearers of the sedan in which she was placed that she was an heiress who expected to be taken off to the Mayfair Chapel. 'To prevent their curiosity,' Mr. Reeves wrote to George Selby, Esq., 'and entirely remove their difficulties, the villain told them that his young lady was an heiress, and had agreed to go off from the masquerade with her lover ; but that the gentleman would not appear to them till she came to the very house to which she was to be conveyed. *She thinks*, said the hellish villain, *that she is to be carried to the Mayfair Chapel, and to be married directly ;* and that the minister (unseasonable as the hour is) will be there in readiness. But the gentleman, who is a man of the utmost honour, intends first to try whether she cannot obtain her friends' consent. So, when she finds her way lengthened, proceeded the vile wretch, she will perhaps be frightened, and will ask me questions.'—*Vide* 'Sir Charles Grandison,' Letter XXV.

ander Keith opened the little house 'with a porch at the door like a country church porch,' to which reference has already been made, and told his friends that he would be the Fleet parson of Mayfair, and marry the young ladies of Hyde Park as effectually as Walter Wyatt married the citizens' daughters in Fleet Market.

The Reverend Alexander Keith was not permitted to officiate for many months at the chapel with the porch. The decree of excommunication was delivered October 27, 1742, and in the April of the following year he was committed to Fleet Prison for contempt of court, or, as a writer in the 'Daily Post' expressed it, 'for contempt of the Holy and Mother Church;' and in the Fleet he perished on the poor side, December 13, 1758, after an incarceration of more than fifteen years.

During the first eleven years of this long term of imprisonment, the captive lived in as good rooms as the warden of the gaol could allot an affluent prisoner; and his means afforded him a luxurious table, for, so long as the legislature suffered the lawless clergy to continue their practices in the marriage-market, the chapel for weddings in Mayfair had an abundance of business that was transacted by the proprietor's curates,—Messrs. Peter Symson, Francis Devenan, John Grierson, and Walker. After paying his assistants liberally, the prisoner derived from his 'office of wedlock' an income that enabled him to fare sumptuously and make a figure in the gaol.

To keep himself in the world's memory, and feed the social sympathy that rendered his chapel successful, he advertised steadily in the chief newspapers of

the town, alluding with alternate seriousness and jocosity to his sufferings at the hands of episcopal persecutors, and telling the loiterers of the St. James's and Mayfair quarters how cheaply they could be married by regularly ordained clergymen at the little house round the corner of Clarges Street. When his wife died, in 1749, he informed his admirers and others, by advertisement, that her body had been embalmed and consigned to the care of an apothecary, at whose house in South Audley Street it would remain until her inconsolable husband, on the triumph of religious liberty in England, should recover his freedom, and be able to follow her coffin to the grave.\* Some twelve or fourteen months before his wife's death, the martyr, on losing one of his sons, made the boy's interment an occasion for calling attention to the little establishment near Hyde Park Corner. The corpse was conveyed from the Fleet Prison to Covent Garden Churchyard by bearers who paused repeatedly on their way, in order that spectators of the funereal procession might read the inscription on the coffin and the placard pinned to the pall, which

\* 'We are informed,' said the 'Daily Advertiser,' January 23, 1750. 'that Mrs. Keith's corpse was removed from her husband's house in May Fair, in the middle of October last, to an apothecary's in South Audley Street, where she lies in a room hung with mourning, and is to continue there till Mr. Keith can attend the funeral. The way to Mr. Keith's chapel is through Piccadilly by the end of St. James's Street and down Clarges Street, and turn on the left hand. The marriages (together with a license on a five-shilling stamp and certificate) are carried on for a guinea as usual, any time till four in the afternoon, by another regular clergyman, at Mr. Keith's Little Chapel, near Hyde Park Corner, opposite the great chapel, and within ten yards of it there is a porch at the door like a country church porch.'—*Vide* 'Daily Advertiser.'

set forth the grievances endured by the exemplary Mr. Keith. Having thrown the father into a dungeon for labouring in the cause of domestic morality, the bishops were deliberately murdering his offspring. All that the afflicted author of the inscriptions asked of his fellow-countrymen was, that they would sympathize with him, and be married at the chapel with a porch.

The martyr had his consolations in good wine, excellent dinners, amusing literature, and many visitors. He belonged to the 'best set' of his college; and piquant stories floated about town of his sayings and doings. It was rumoured in Bond Street that he had opened a chapel in the Fleet, where he married thousands yearly.\* On hearing that his enemies,

\* If there were any foundations of fact for this absurd report, they were very slight. That Keith may, in the secrecy of his prison chamber, have solemnized matrimony between some of the many persons who visited him is not improbable. But since the tenth year of Queen Anne the Wardens of the Fleet were careful that no large number of weddings should occur within the actual walls of the prison. In 1745, however, the Wardens of the Gaol published a manifesto and took other steps for the suppression of irregular matrimony, which imply that the lawless custom had recently become more general within the liberties of the prison, if not in the prison itself. 'Advertisement for Suppression of Fleet Marriages. 1745.—Whereas the methods hitherto taken to prevent clandestine marriages at the Fleet have proved ineffectual, though legal notice hath been given by the Warden of the Fleet to such of his tenants in whose houses it is reputed such marriages have been suffered, to quit the possession thereof: therefore, and as such warning cannot immediately have the desired effect, this publick notice is given. That whoever shall make it appear to the warden's satisfaction that any of his prisoners shall at any time hereinafter clandestinely marry, or be in any manner however concerned in any clandestine marriage, or suffer such marriages to be performed in his, her, or their houses or lodgings, such person or

the bishops, had secured the co-operation of Lord Hardwicke, and would put an end to irregular matrimony by an enactment of terribly stern provisions, he observed to a party of friends assembled at his table, 'So they will hinder my marrying. Well, let 'em, but I'll be revenged; I'll buy two or three acres of ground, and by ——! I'll under-bury them.' He became less jocular, however, when the Chancellor's measure had become law, and stopped for ever the business of his little chapel, where no less than sixty-one weddings (exaggerated to 'near a hundred' by a writer in the 'Gentleman's Magazine') took place on the day before the new Marriage Act came into force, — *i. e.* Lady Day, 1754.

No irregular clergyman suffered more than Alexander Keith from the reform which substituted Gretna Green matches for Fleet marriages. Though the receipts of his chapel had been very large for eleven years, he had made no provision against the rainy days that followed upon its extinction. The expenses of the concern—in payments to advertisers and touters, and salaries to clerical assistants—had been great. Luxurious in his habits, the proprietor

persons making such discovery shall receive a guinea reward from the Turnkey of the said prison.—WILLIAM MANNING, Turnkey.' It is possible that this order was issued in consequence of marriages solemnized, or said to have been solemnized, in Mr. Keith's room. It is very probable that it occasioned the report of the clergyman's activity in the gaol. Readers should bear in mind that writers of the last century used the words 'married *in* the Fleet' very loosely. Weddings done *in* the liberties or near Fleet Ditch, and even irregular marriages in the neighbourhood of town, were often said to have been solemnized *in* or *at* the Fleet, though neither bride, nor groom, nor parson had ever put foot within the prison.

had been constrained to live in the most expensive hotel in all London. His wife had been extravagant, and his children squandered a great deal of pocket-money in their genteel idleness. And when the till of the Mayfair marrying chapel was emptied out for the last time on the eve of Lady Day, 1754, the prisoner was in no humour to make jests about his arrangements for under-burying the parochial incumbents.

After a brief interval, spent in writing penitential letters to the bishop of London, and begging letters to rich men who had known him in the days of his prosperity, Alexander Keith relinquished his chambers in the aristocratic quarter of the gaol, and hired a dirty mattress on the poor side, in an attic which he shared with half a score loathsome wretches. The last stage of his career was unspeakably dismal and repulsive. No fictions of the law mitigated the horrors of his imprisonment as it neared the end. The man who, if he had been prudent and law-respecting, might have won a mitre, or died in green old age under the roof of his deanery, fell from grade to grade of misery to the lowest state of Fleet-prison wretchedness. He was fast sinking to this lowest depth of degradation when Mr. Brooke, of Water Lane—an engraver whom he had employed to print cards and forms of marriage-certificates—appealed to social benevolence in the fallen clergyman's behalf by means of advertisements.\* Whether Mr. Brooke,

\* One of Mr. Brooke's advertisements ran thus:—'To the Compassionate.—By the late Marriage Act the Rev. Mr. Keith, from a great degree of affluence, is reduced to such a deplorable state of misery in the Fleet Prison as is much better to be con-

whose literary style was inferior to his benevolence, drew from newspaper readers any considerable sums for the good of his *protégé*, I cannot say ; but it is certain they were not sufficient to restore the captive to the aristocratic division of the prison. The Rev. Alexander Keith, for a brief while one of London's most popular preachers, and for a long while its most notorious clerical black-sheep, died on the poor side of the Fleet. Thus perished the adventurer who in the heyday of his discreditable popularity 'constructed' in Mayfair, what Horace Walpole called, 'a very bishopric for revenue.'

ceived than related, and having scarce any other thing than bread and water to subsist on. It is to be hoped he will be deemed truly undeserving such a fate, when the Public are assured that, not foreseeing such an unhappy stroke of fortune as the late Act, he yearly expended almost his whole income (which amounted to several hundred pounds per annum) in relieving not only single distressed persons, but even whole families of the wretched objects of his compassion. This can be attested by several persons of the strictest character and reputation, as well as by numbers who experienced his bounty. Mr. Keith's present calamitous situation renders him perhaps as great an object of charity himself, all circumstances considered, as ever in his better days partook of his own assistance, and that of others equally compassionate, and is indeed sufficient to awaken humanity in the most uncharitable. Any gentleman or lady may be satisfied of the above by appealing to Mr. Brooke, engraver, facing Water Lane, Fleet Street, by whom donations will be received for the use of Mr. Keith.'—*Vide* 'Humours of the Fleet.'

## CHAPTER XII.

## LORD HARDWICKE'S MARRIAGE ACT.

THE secular legislation for the suppression of uncanonical matrimony began with the enactment of 5 William and Mary, A.D. 1694, entitled 'An Act for granting to their Majesties several duties upon vellum, parchment, and paper for four years, towards carrying on the war against France'—a measure which, without calling attention to the irregular practices of the Fleet clergy, or professing to have any object in view besides the increase of the revenue, put a tax of five shillings on 'every skin or piece of vellum or parchment, or sheet or piece of paper, upon which any license or certificate of marriage, or any letters of mart shall be engrossed.' Much was expected from this clause of the money bill by financial officers and ecclesiastical disciplinarians. And much came of it, to the dissatisfaction of the financiers, and to the grievous disappointment of the prelates and other promoters of order in the Church.

By increasing the inducements to marry irregularly, it added to the number of persons who made clandestine matches, and brought much less to the national purse than the Chancellor of the Exchequer had hoped to get from it. The Fleet clergy gave

ironical thanks to the decorous churchmen who had incited the ministry to heighten the costs of canonical marriages by a tax that rendered irregular wedlock more popular and creditable.

The next step taken by the legislature, with respect to marriages, was even more fruitful of chagrin to the bishops and their parochial incumbents. Whilst stimulating matrimony, by taxing all bachelors and childless widows over twenty-five years of age, and not receiving alms, the Act,\* 6 & 7 William III. A.D. 1695, strengthened still further the causes of irregular wedlock by laying the heavy imposts on marriage mentioned in a previous chapter. By marrying clandestinely, a prudent couple might avoid the heavy tax which would certainly be required of them if they solemnized their wedding openly. Aware that the marriage-tax would affect favourably the solemnizers of secret matrimony, the framers of the new enactment provided that every clergyman found guilty of officiating at weddings solemnized without banns or license, should 'forfeit the sum of one hundred pounds, to be recovered by action of debt, bill, plaint, or information, in any of His Majesty's Courts of Record.' Each fine, it was ordered, should be equally divided between the sovereign and the informer. It was further ordered that on a second conviction the clergyman so offending should be suspended from his office and preferments for three years.

\* Entituled, 'An Act for Granting to His Majesty certain Rates and Duties upon Marriages, Births, and Burials, and upon Bachelors and Widowers, for the term of five years, for carrying on the War against France with vigour.'

Again the Fleet clergy declared ironically that the bishops and other members of parliament were their very good friends. Prosecutions to be successful in a constitutionally governed country must be supported with good evidence, or at least with a semblance of sufficient testimony. And it was soon found that it was no easy thing to get legal evidence of a strictly clandestine marriage, *i. e.* of an act done by three persons, two of whom were bound in honour, and the third by self-interest, to keep the affair secret. Several prosecutions were instituted against notorious Fleet parsons, but most of them failed—either through want of evidence or the unlawful sympathy of juries. Drawn chiefly from the social grades in which clandestine wedlock was fast growing to be universal, London jurymen sided with the lawless priests, and gave them the full benefit of all reasonable doubts, and something more.

When the prosecution of a Fleet parson resulted in a verdict against the delinquent, he was usually found unable to pay the fine, in which case the informer had nothing for his trouble. The penal clause stimulated the caution and secretive wariness of the lawless ecclesiastics, without lessening their number or eagerness for employment. The fear of suspension, '*ab officio et beneficiis*,' was not powerfully operative in the minds of clergymen who had no benefices, and never did duty openly in places subject to episcopal jurisdiction.

Having thus taken two wrong steps, the legislature made a leap in the same direction. Yet further to terrify the clergymen who had nothing

to lose, or were extremely cautious to take care of what they had, the Act, 7 & 8 Wm. III. c. 35, amended the Act of the preceding year by ordering that a clergyman guilty of solemnizing matrimony without banns or license should forfeit 100*l.* for *each* offence proved against him. To deter the parochial incumbents from competing cautiously with the tavern parsons, the same Act directly benefited the last-named practitioners, by ordering that any incumbent who wittingly suffered his church or chapel to be used for one of the prohibited weddings, should forfeit 100*l.*, though he had not himself celebrated the lawless marriage. By this Act any clergyman guilty of employing a curate to officiate at lawless weddings was made liable to a fine of 100*l.* for each of his curate's offences, the curate being no less subject to the fine for each of his own misdemeanours. But the provisions of this unwise enactment, which occasioned the Fleet clergy especial satisfaction, were the penalty of 10*l.* laid upon every groom guilty of joining hands with his bride at a lawless wedding, and the penalty of 5*l.* for each offence, laid upon every person guilty of assisting as 'clerk' or 'sexton' at a marriage celebrated without banns or license.

Before the enactment of 7 & 8 Wm. III. c. 35, it was in the power of any rogue married at a tavern-wedding to inform against the officiating clergyman, without rendering himself liable to punishment for his part in the irregular transaction. Any clerk or other person who assisted at a marriage without license or banns, could also with impunity turn informer against the lawless priest. But by placing a penalty on persons wedded to their brides

in violation of the law, and on laymen assisting at the prohibited celebrations of wedlock, the last of William the Third's Marriage Acts closed the mouths of individuals who were best qualified and most likely to give conclusive evidence against the peccant clergymen.

Like William the Third's enactments against wedlock solemnized without license or banns, Queen Anne's Marriage Act (10 Anne, c. 19)\* regarded the

\* The title of this act is a curiosity, so demonstrative of the spirit in which the legislature commenced the work of matrimonial reform, that some of my readers will perhaps like to peruse it. 'An Act for Laying several Duties upon all Sope and Paper made in Great Britain, or imported into the same ; and upon Chequered and Striped Linens imported ; and upon certain Silks, Callicoes, Linens, and Stuffs, printed, painted, or stained ; and upon several kinds of Stamp Vellom, Parchment, and Paper ; and upon certain Printed Papers, Pamphlets, and Advertisements : for raising the sum of eighteen hundred thousand pounds by way of a Lottery towards Her Majesties supplys ; and for Licensing an additional number of Hackney Chairs ; and for Charging certain Stocks of Cards and Dice ; and for better securing Her Majesties Duties to arise in the Office for the Stamp Duties by Licenses of Marriages and otherwise ; and for Relief of Persons who have not claimed their Lottery Tickets in due times or have lost Exchequer Bills or Lottery Tickets ; and for Borrowing money upon Stock (part of the capital of the South Sea Company) for the use of the public.' The scrap of marriage-law thus inserted amongst rules for licensing hackney chairs and relieving careless gamblers in public lotteries runs thus :—'And whereas great loss hath happened of the duties already upon stamp vellom, parchment, and paper ; and other inconveniences daily grow from clandestine marriages : for remedy thereof for the future. Be it enacted by the authority aforesaid, That every parson, vicar, or curate, or other person in holy orders, beneficed or unbeneficed, who shall after the four-and-twentieth day of June, one thousand seven hundred and twelve, marry any person in any church or chapel, exempt or not exempt, or in any place whatsoever, without publication of the banns of matrimony

offence from a financial point of view. Indeed, her measure for the correction of the evil was nothing more than a clause inserted in a long money-bill

between the respective parties according to law, or without license first had and obtained from the proper ordinary for the said marriage, shall for every such offence forfeit the sum of one hundred pounds, to be recovered, with full cost of suit, by action of debt, bill, plaint, or information, in any of Her Majesties Courts of Record at Westminster, wherein no essoign, protection, or wager of law, or more than one imparlance, shall be allowed; one moiety thereof to the Queen, her heirs and successors, and the other moiety to him or them who shall sue for the same; and if such offender shall be a prisoner in any prison or gaol (other than a county gaol) at the time of such offence committed, and shall be duly convicted of such offence, by action or information, as aforesaid, then upon oath made of such imprisonment before any judge of Her Majesties Courts of Record at Westminster, and upon producing a copy of the record of such conviction, to be likewise proved upon oath before the said judges (which oaths the said judge is hereby empowered to administer), the said judge is hereby required to grant his warrant to the keeper of the gaol or prison where such offender is a prisoner (which warrant such keeper is hereby required to obey) to remove such offender to the gaol of that county where such offender is a prisoner, there to remain charged in execution with the penalty inflicted by this Act, and with all and every the causes of his former imprisonment; and if any gaoler or keeper of any prison shall be privy to, or knowingly permit, any marriage to be solemnized in his said prison, before publication of banns, or license obtained, as aforesaid, he shall for every such offence forfeit the sum of one hundred pounds, to be recovered and distributed as aforesaid;—saving nevertheless to all archbishops, bishops, archdeacons, and other ordinaries, their vicars general, commissaries, and officials, the free exercise of all ecclesiastical jurisdiction, and full power and authority of inflicting all such pains and censures for this or any other crime or crimes, as they might have done if this Act had not been made. Provided always that the said prohibition for marriages do not extend to that part of Great Britain called Scotland.’—*Vide Statutes at large.*

that laid imposts on half a hundred things, as well as on marriage-licenses and certificates of matrimony. Renewing the penalty of 100*l.* for each offence of a Fleet parson, and making provision for the treatment of clerical delinquents guilty of officiating at irregular weddings whilst they were confined in any prison, this section of a lengthy statute left it to the spiritual tribunals to punish the offenders for their ecclesiastical misconduct.

Stimulated by the measures enacted for its extinction, the practice of marrying clandestinely became more general in every class of society. Whilst the dissenters had recourse to it at the instigation of conscientious scruples and repugnance to episcopal authority, the poor adopted it as the cheapest kind of matrimony. At the same time thousands of thrifty spouses, who had no disinclination to enter parochial churches to receive the ministrations of the clergy, and who could have easily afforded to buy licenses, were wedded secretly, for the avoidance of expense, or for the sake of expedition. So far as London is concerned, it may be stated that clandestine wedlock was almost universal amongst the very poor, very general in the lower of the middle classes, frequent in the higher middle grades, and not uncommon amongst the rich and aristocratic. Horace Walpole's familiar and piquant account of the Duke of Hamilton's courtship and marriage of Miss Eliza Gunning has caused readers of the nineteenth century to imagine that, in wedding his bride irregularly, the duke committed an act scandalously at variance with the usage of the lighter and laxer members of his social class.

But a survey of the irregular registers still in existence will satisfy inquirers that during the prevalence of Fleet matrimony a considerable minority of our aristocratic folk were married in the prohibited manner.\*

In the second quarter of the eighteenth century, the evils arising from Fleet wedlock were so flagrant, and the habitual practices of the lowest kind of Fleet parsons were so abominable, that the more serious and impartial observers of English society cried out for their suppression. Again and again cases were

\* Horace Walpole, who distinguished himself by denouncing Lord Hardwicke's Marriage Act, first as a member of Parliament and subsequently as an historian, belonged to a family that had private reasons for defending irregular wedlock. His great-uncle, Sir Edward Walpole, wedded, without banns or license, March 26, 1691, at St. James's, Duke's Place, Anne, daughter of Thomas Duke of Leeds, and widow of Robert Coke of Holkham; and his sister-in-law, the Countess of Orford, was wedded, May 25, 1751, to the Hon. Sewallis Shirley, fourth son of Robert, Earl Ferrers, at the Mayfair Chapel, the scene of the Duke of Hamilton's hasty union with Miss Gunning. At the same chapel, March 23, 1748, the Hon. George Carpenter, afterwards the third Lord Carpenter (created Earl Tyrconnel in 1761), married Frances Clifton, daughter and heiress of Sir Robert Clifton, Bart., of Clifton, Notts. Here are some of the Fleet weddings that occurred in our aristocracy during the forty years immediately preceding the enactment of Lord Hardwicke's Marriage Bill:—1. On November 20, 1715, William Johnson, second Marquess of Annandale, to Charlotta Vanlore Vanden Bempden, only daughter and heiress of John Vanden Bempden, of Pall Mall. 2. On September 25, 1718, William Phipps (father of the first Baron Mulgrave) to Lady Catherine Annisley, daughter and heiress of James the fourth Earl of Anglesea, by Lady Catherine Darnley, natural daughter of James the Second. 3. On August 5, 1720, William Wilmer, of Lywell, Northamptonshire, to Lady Mary Benet, daughter of the first Earl of Tankerville. 4. On May 6, 1724, Right Hon. Edward Lord

brought to light by the proceedings of Westminster Hall and the Old Bailey, which made it clear that the marriage-registers of the Fleet clergy were unreliable. It was proved that one of these clerical black-sheep had repeatedly ante-dated records of wedlock. It was shown that some of them had inserted in their registers utterly false statements, which represented that marriages had been solemnized by persons who had never been married. Every month had its astounding story of crime perpetrated under cover of spurious wedlock, celebrated by a

Abergavenny to Catherine Patton, who subsequently married her first husband's cousin and successor, William Lord Abergavenny. 5. On February 11, 1728, Anthony Henley (eldest brother of the Lord Chancellor, Robert, Earl of Northington) to Lady Elizabeth Berkeley, daughter of James, third Earl of Berkeley. 6. On January 20, 1729, the Right Hon. John Bourke (subsequently eighth Viscount Mayo) to Catherine Hamilton, daughter of Major Whitgift Aylmer. 7. On May 16, 1733, Sir John Leigh to Anne Kennedy, a wedding that gave rise to a famous lawsuit. 8. On April, 1735, the Right Hon. Robert Lord Montagu (son of the first Duke and himself subsequently the third Duke of Manchester) to Mary Frazier. 9. On August 18, 1735, John George Ogilvie, fifth Lord Banff, to Marie Ogilvie. 10. On December 30, 1735, John Twisleton, of St. James's, to Ann Gardner; their son became (1781) Baron Say and Sele, as heir-general of Sir Richard Fenys. 11. On August 24, 1738, John Chester to Elizabeth Chester, one of the daughters and co-heiresses of Sir William Chester, Bart., of Chicheley, Bucks. 12. On January 10, 1744, William Berkeley Lyon to Catherine Bridges, one of the daughters and co-heiresses of John Bridges, commonly called Marquis of Carnarvon, son of James Duke of Chandos. But the Fleet marriage, which occasioned the most excitement in fashionable circles in the year 1744, was the runaway match of the Hon. Henry Fox (subsequently first Baron Holland) with Georgina Caroline, eldest daughter of Charles second Duke of Richmond.—*Vide* Burn's 'History of the Fleet Registers.'

lawless priest in a tavern-parlour. Foolish men were entrapped by artful conspirators, induced to drink drugged liquor, and in the stupefaction of drunkenness married to abandoned creatures. Girls were seized in the suburbs, or even in the chief thoroughfares of towns, and carried off to dens near Fleet Ditch, where they were constrained to go through the forms of matrimony with their captors.\* School-

\* A writer in the 'Grub Street Journal,' Jan. 15, 1734-5, called attention to the doings of the Fleet clergy and their customers in the following terms :—'Sir, There is a very great evil in this town, and of dangerous consequences to our sex, that has never been suppressed, to the great prejudice and ruin of many hundreds of young people every year; which I beg some of your learned heads to consider of, and consult of proper ways and means to prevent for the future. I mean the ruinous marriages that are practised in the Liberty of the Fleet and thereabouts, by a set of drunken swearing parsons, with their myrmidons, that wear black coats and pretend to be clerks and registers to the Fleet. These ministers of wickedness ply about Ludgate Hill, pulling and forcing people to some peddling ale-house or a brandy-shop to be married, even on a Sunday, stopping them as they go to church, and almost tearing their cloaths off their backs. To confirm the truth of these facts, I will give you a case or two which lately happened. Since Midsummer last a young lady of birth and fortune was deluded and forced from her friends, and by the assistance of a wry-necked swearing parson married to an atheistical wretch whose life is a continued practice of all manner of vice and debauchery. And since the ruin of my relation, another lady of my acquaintance had like to have been trepanned in the following manner. This lady had been appointed to meet a gentlewoman at the Old Playhouse in Drury Lane, but extraordinary business prevented her coming. Being alone when the play was done, she bade a boy call a coach for the city. One dressed like a gentleman helps her into it, and jumps in after her. 'Madam,' says he, 'this coach was called for me, and since the weather is so bad, and there is no other, I beg leave to bear you company. I am going into the city, and will set you down wherever you please.' The

boys, on their way through London to their homes in the country, were kidnapped and married to syrens unfit to become members of any decent family. At the most popular seasons for marriage, the Fleet quarter was kept in continual uproar by companies of sailors and other working-men, who came to the Fleet to be married in tens and twenties, and kept their nuptial feasts in the taverns of the district

lady begged to be excused, but he bade the coachman drive on. Being come to Ludgate Hill, he told her his sister, who waited his coming, but five yards up the Court, would go with her in two minutes. He went, and returned with his pretended sister, who asked her to step in one minute, and she would wait upon her in the coach. Deluded with the assurance of having his sister's company, the poor lady foolishly followed her into the house, when instantly the sister vanished, and a tawny fellow in a black coat and black wig appeared. "Madam, you are come in good time," the doctor was just a-going. "The doctor!" says she, horribly frightened, fearing it was a madhouse, "what has the doctor to do with me?" "To marry you to that gentleman; the Doctor has waited for more than three hours, and will be payed by you or the gentleman before you go." "That gentleman," says she, recovering herself, "is worthy a better fortune than mine," and begged hard to be gone. But Dr. Wryneck swore she should be married; or, if she would not, he would still have his fee, and register the marriage from that night. The lady, finding she could not escape without money or pledge, told them she liked the gentleman so well, she would certainly meet him to-morrow night, and gave them a ring as a pledge; which, says she, "was my mother's gift on her death-bed, enjoining that, if ever I married, it should be my wedding-ring." By which cunning contrivance she was delivered from the black Doctor and his tawny crew. Some time after this I went with this lady and her brother in a coach to Ludgate Hill in the day-time, to see the manner of their picking up people to be married. As our coach stopped near Fleet Bridge, up comes one of the myrmidons. "Madam," says he, "you want a parson!" "Who are you?" says I. "I am the clerk and register of the Fleet." "Show me the chapel." At which comes a

with scandalous riot, to the inexpressible disgust and annoyance of the decent residents of the district.

second, desiring me to go along with him. Says he, "That fellow will carry you to a pedling alehouse." Says a third, "Go with me; he will carry you to a brandy-shop." In the interim comes the Doctor. "Madam," says he, "I'll do your job for you presently." "Well, gentlemen," says I, "since you can't agree, and I can't be married quietly, I'll put it off till another time;" so drove away. Learned sirs, I wrote this in regard to the honour and safety of my own sex; and if for our sakes you will be so good as to publish it, correcting the errors of a woman's pen, you will oblige our whole sex, and none more than, sir, your constant reader and admirer,

VIRTUOUS.'

A case of elopement in high life is thus noticed in another paper of the same year, December 28, 1734:—"Last night, Mr. D——, late valet-de-chambre to a certain noble lord near Soho Square, went away, as was suspected, with his lordship's niece, a young lady not yet of age, and a co-heiress to a very large estate. It seems they took a hackney-coach soon after they got out of doors, and upon strict inquiry the coachman was found out, who declared that he took a gentleman and a lady up at such a place and set them down at the Fleet, and by the description he gave appeared to be the two lovers, who may therefore be supposed to have married that night. A warrant was immediately obtained for apprehending the supposed bridegroom, and he was accordingly taken at a house in Queen Street, near Guildhall, on Wednesday morning last, and immediately carried to the Poultney Compter, and the lady was carried off by her friends. In the afternoon he was examined, and afterwards recommitted to the same prison. So that it seems he is to suffer for endeavouring to get himself a rich wife, which is a practice followed by all the young gentlemen of quality in England; but the difference is that this young fellow had married or endeavoured to marry a heiress without the consent of her friends, whereas the other generally marry or endeavour to marry heiresses without their consent. It has since been found out that they were married by a Roman Catholic priest."—The marriage of an Eton school-boy that occurred somewhere about the time of the aforementioned elopement, is thus noticed in a paper of the period "Thursday, the Master of the Rolls committed a clergyman to

But the chiefs of the governing classes of the realm would not have bestirred themselves to abolish

Fleet, for marrying a young gentleman, about seventeen years of age, at Eaton School, and entitled to an estate of 1500*l.* per annum, to a maid-servant, and at the same time committed the person who gave her in marriage. His Honour had some days since sent a prisoner to the Fleet, the person who pretended to be the youth's guardian, and who had given a bond to indemnify the guardian.' Long before this marriage of the wealthy Etonian and the serving-girl, Maximilian Misson spoke in the following terms of the strangely incongruous unions solemnized at clandestine weddings. 'In England,' says the Monsieur Taine of the seventeenth century, 'a boy may marry at fourteen years old and a girl at twelve, in spite of parents and guardians, without any possibility of dissolving their marriage, though one be the son of a hog-driver and the other a duke's daughter. This often produces very whimsical matches. There is another thing in it odd enough; for those children by this means not only become their own masters, but obtain this advantage at a very easy rate. If to be married it were necessary to be proclaimed three times in a full congregation, their friends would be informed of the matter, and might find a way to dissuade a little girl that had taken it into her head to have a husband, by giving her fine cloathes, pretty babies, and everything else that might amuse her; but the wedding is clapped up so privately that people are amazed. . . . The law, indeed, requires that the banns should be published; but the strange practice of a dispensing power makes this law of no manner of use. To proclaim banns is a thing nobody cares to have done; very few people are willing to have their affairs declared to all the world in a public place, when, for a guinea, they may do it snug, and without noise; and my good friends, the clergy, who find their accounts in it, are not very zealous to prevent it. Thus, then, they buy what they call a license, and are married in closets, in the presence of a couple of friends, that serve for witnesses; and this ties them for ever. Nay, the abuse is yet greater, for they may be married without a license in some chapels which have that privilege. Take the two first people you meet,—two beggars if you think fit,—carry them along with you to the privileged church as early in the morning as you please; Mr. Curate will marry them so fast that neither King

the marrying-shops, had not contamination and shame flowed to aristocratic families from the infamous establishments. Good society deemed the Fleet wedding a sufficiently decent kind of matrimony for tradesfolk and fustian-wearing rabble. But it was seized with alarm at the growing frequency of irregular marriages in the circles of gentility. Every duchess knew some young lady who had escaped from her chaperone at a ball, or at the door of a theatre, driven to the Fleet quarter in a hackney-coach, and been changed into a wife almost before her proper guardian had missed her. The story is told of a high-born damsel, a ward of Chancery, who thus ran away from a ball at the Lord Chancellor's house in Ormond Street, and after a brief visit to the Rainbow Coffee House returned to the ball, with a ring on the fourth finger of her left hand, in time to dance in the last cotillon. Nor was the heroine of this anecdote by any means a solitary instance of such audacity and waywardness. When the social evil became thus fruitful of inconvenience and disgrace to people of 'condition,' the matrons of the great world demanded its extinction. 'Lady Anne Paulett's daughter,' Horace Walpole wrote to his friend George Montagu, in the interval between the enactment of Lord Hardwicke's Marriage Bill and the date at which the measure came into operation, 'is eloped with a country clergyman. The Duchess of Argyll harangues against the Marriage Bill not nor Parliament can unmarry them; and for two crowns your business is dispatched. Hence come the matches between footmen and young ladies of quality, who you may be sure live no very easy life together afterwards.'—*Vide* Misson's 'Travels over England : ' Ozell's Translation.

taking place immediately, and is persuaded that all the girls will go off before next Lady Day.'

Strangely enough, the famous Marriage Bill, that resulted from the increasing disapprobation of clandestine wedlock, was in the first instance drawn, in consequence of a scandalous case of injustice, which occurred in a part of the United Kingdom that a special clause exempted from the operation of the statute. Public indignation had been stirred by a Scotch cause in which a man, after living happily for thirty years with his reputed wife, was claimed by another woman as her husband, because he and his claimant had been contracted in early life. To render so absurd and iniquitous a claim impossible in future time, Lord Bath bestirred himself to procure an amendment of the law of marriage. Commissioned to frame a bill for this particular object, certain of the judges produced so unsatisfactory a proposal that the Lord Chancellor took the matter into his own hand. His office had rendered him familiar with the domestic miseries that usually resulted from secret wedlock, in the cases of rich wards in chancery lured into unequal marriages by fortune-hunters of both sexes. He had known bright, clever, simple schoolboys ruined for life by matrimonial entanglement with depraved women. He had seen heiresses become in the same way the victims of masculine villany, when they might have been cured of their foolish predilections and preserved from social degradation, had they been incapable of marrying without the consent of their guardians. Several scandals of recent occurrence had caused Lord Hardwicke to feel that, though the old rule of matrimonial pre-

contract ought to be altogether abolished, it was not the most hurtful part of our law of marriage. Now that an occasion had come for reforming the law respecting wedlock, it should be used to good purpose,—for the perfect suppression of the Fleet parsons and their marrying-houses, for establishing throughout the country a uniform system of matrimonial registration, and for protecting young people of both sexes from the arts of unworthy suitors. In this matter, Lord Hardwicke acted with a courage and resoluteness suitable to the occupant of the woolsack.

His reward was to be libelled, lampooned, mobbed, and otherwise exhibited to obloquy, as though he were a pedantic despot, an enemy of freedom, and a foe to domestic virtue. His measure for the amendment of the lay law of marriage passed through the House of Lords without encountering much opposition; but in the House of Commons it was assailed with impudent falsehood and rancorous spite by the Chancellor's personal enemies, and by every individual of the house who had private reasons for thinking leniently of the abuses of secret marriage. The chief promoter of this fierce opposition to a measure that, notwithstanding a few obvious blemishes, offered efficient remedies for a serious disease, was Henry Fox (in later time the first Lord Holland), who nine years before had caused a commotion in the aristocratic world by running away with Georgina Caroline, the eldest daughter of the Duke of Richmond, and marrying her in the Fleet quarter. In gratitude to arrangements to which he was indebted for a lovely wife and an alliance with a

patrician house, he defended them resolutely. Chivalry to his wife may, also, have inspired him to commend the mode of matrimony to which she had condescended. Another vehement opponent of the measure that proposed to enhance parental authority by rendering the consent of parents or guardians requisite for the marriage of minors, was Charles Townshend, who regarded himself as the victim of paternal cruelty, and created a favourable impression on his hearers in the house by telling them the story of his own wretchedness and his father's tyranny. The Chancellor's antagonists in the Lower House comprised, moreover, Horace Walpole, two members of whose family were known to have entered matrimony by uncanonical wedlock, and one of whose nieces, several years after the enactment of Lord Hardwicke's Marriage Bill, became the bride of the most famous Fleet Marriage on record.

On seeing that they could not prevent the bill from passing, the angry opponents had recourse to the common but execrable policy of baffled and unscrupulous politicians. Protracting the debate by abusing their privileges of speech, they mutilated and patched the scheme with amendments. None of these amendments aimed at the improvement of the measure. All of them were designed to aggravate the aversion which the populace had conceived for a measure that appeared to them an attempt to deprive them of cheap and convenient marriage, with a view to preserve the children of the aristocracy from the misfortune of premature and imprudent matrimony. How far the assailants of the bill went in this dishonest practice may be seen from one fact.

The main object of the bill was, in the first instance, to abolish the law of matrimonial pre-contract throughout the kingdom. Scotland being the country in which the cause had originated that gave rise to the demand for this particular reform, it was felt by Henry Fox and his friends that to tinker the scheme with an amendment exempting North Britain from its operation would be to render the entire bill so unsatisfactory to its promoters, and so ridiculous to the whole country, that the Chancellor would not have the heart or the hardihood to force it into actual law.

Whilst the assailants inside the House, in their inability to kill the measure by a single direct blow, sought to destroy it by several mutilations, the enemies of the bill outside the House denounced it as a monstrous contrivance of arbitrary insolence. The Roman Catholics and the several bodies of nonconforming Protestants united in exclaiming against the proposal which, on becoming law, would compel them to be married by the established clergy in the parochial churches, or to forego the advantages of legitimate wedlock. By the former it was declared a cruel attack on their religious feelings; by the latter it was execrated as an impious parody of one of the worst decrees of the Council of Trent, which had declared the intervention of a priest necessary for the performance of valid marriage. Both declared that the Chancellor's aim was to put them under the feet of the national clergy. Notwithstanding their disrepute and numerical insignificance, the Fleet clergy had enough power to stimulate the popular hatred of the

measure. Some of them had friends in high places, —men whom they had known in their earlier days at the universities, or had served in their discreditable calling. Several of them had enough literary power to produce pamphlets that deepened and embittered the feeling against the ministry. From his place of imprisonment Alexander Keith sent forth an essay of considerable humour and piquancy, entitled, ‘Observations on the Act for preventing Clandestine Marriages,’\* that set forth the incon-

\* ‘As I have married many thousands, and, consequently, have on those occasions seen the humour of the lower class of people, I have often asked the married pair how long they had been acquainted ; they would reply, some more, some less, but the generality did not exceed the acquaintance of a week, some only of a day, half a day . . . Another inconveniency which will arise from this Act will be, that the expense of being married will be so great that few of the lower class of people can afford it ; for I have often heard a Fleet parson say that many have come to be married when they have had but half-a-crown in their pockets, and sixpence to buy a pot of beer, and for which they have pawned some of their clothes . . . . I remember once upon a time I was at a public-house at Radcliff, which then was full of sailors and their girls ; there was fiddling, piping, jigging, and eating. At length one of the tars starts up and says, “ — me, Jack, I’ll be married just now ; I will have my partner ! ” The joke took, and in less than two hours ten couple set out for the Fleet. I staid their return. They returned in coaches, five women in each coach ; the tars, some running before, others riding on the coach-box, and others behind. The cavalcade being over, the couples went up into an upper room, where they concluded the evening with great jollity. The next time I went that way I called on my landlord, and asked him concerning this marriage adventure. He at first stared at me, but recollecting, he said those things were so frequent that he hardly took any notice of them ; “ for,” added he, “ it is a common thing when a fleet comes in to have two or three hundred marriages in a week’s time among the sailors.” . . . . If the present Act, in the form it

veniences and demoralization which the measure would certainly produce in the lowest grades of the London working-people, who, it was urged by the scribe, would have no part whatever in solemnized wedlock, if they were deprived of their present cheap and expeditious mode of celebrating matrimony.

The bill came from the Lords to the Commons on May 14, 1753, and was sent back to the Lords on the sixth day of the following month, so disfigured with erasures and interpolations that the usually cold and formal Chancellor, whose temper had been for once infuriated by popular abuse and the satire of his critics in the Lower House, could not conceal his rage at the liberties taken with his handiwork. In Henry Fox's copy of the draft of the measure each of the many amendments had been inserted in red ink. 'How bloody it looks!' the Solicitor-General had remarked playfully of the flagrant pages. 'Yes,' Fox retorted aloud, to the amusement of the Commons, holding up the draft as he spoke, 'but do not say I did it. Look what a rent the learned Casca' (the Attorney-General) 'made; through this the well-beloved Brutus' (Pelham) 'stabbed.'

During the three weeks of the bill's stormy

now stands, should (which I am sure is impossible) be of any service to my country, I shall then have the satisfaction of having been the occasion of it, because the compilers thereof have done it with a pure design of suppressing my chapel, which makes me the most celebrated man in this kingdom, though not the greatest.'—*Vide* Keith's 'Observations on the Act for Preventing Clandestine Marriages.'

passage through the Lower House, the agitation of the public grew daily more vehement and menacing. The multitude of George the Second's London was less intelligent and more violent than the far larger populace of Victoria's metropolis; and there were good grounds for the fear that the heats engendered by the contention over the marriage question would result in a general riot. The same mobs that, in their fury at the alteration of the Calendar, had two years earlier screamed and howled round Lord Chesterfield's carriage, 'Give us back our ten days!' followed Henry Fox to and fro between his residence and the House of Commons, cheering him madly, and roaring, 'Take care, your honour, of our wives and children!' Again and again an excited crowd took the horses from his chariot, and dragged it through the public thoroughfares. Whilst the man of the people was applauded thus tempestuously whenever he showed himself in the streets, Lord Hardwicke could not leave his mansion in Great Ormond Street without facing a mob of angry men and women, whose groans and curses followed his coach down Lamb's Conduit Street.

Henry Fox and Charles Townshend were disappointed in their hope that the amendments would cause the Chancellor to drop the bill in disgust, and wait for a change in the public temper till he renewed his attack on secret marriage. Enough of Lord Hardwicke's scheme remained in the bill to decide him to adopt the alterations. It required that marriages should be solemnized with publication of banns or license; that they should be solemnized in the parochial churches or chapels where

‘banns of matrimony had been usually published ;’ and that every clergyman who, from and after March 25, 1754, should solemnize matrimony without banns or license, or, unless acting by special license, should celebrate a wedding ‘in any other place than a church or public chapel where banns had been usually published,’ should, on conviction, ‘be deemed and adjudged to be guilty of felony, and should be transported to some of His Majesty’s plantations in America for the space of fourteen years.’ It declared that ‘all marriages, solemnized from and after March 25, 1754, in any other place than a church or such publick chapel, unless by special license as aforesaid, or that shall be solemnized without publication of banns or license of marriage from a person or persons having authority to grant the same first had and obtained, *shall be null and void to all intents and purposes whatsoever.*’ It required for the validity of every marriage of persons, either of whom was under age, the consent of the parents or guardians of the minor or minors. It put an end to suits in the ecclesiastical courts had by reason of pre-contract ; it allotted capital punishment to every person convicted of destroying or forging or falsifying, with evil intent, an entry in a marriage-register.

In order that these provisions might become the law of England, Lord Hardwicke adopted the unacceptable amendments and disfigurements of his scheme, even though one of those changes put Scotland beyond the operation of a measure that had, in the first instance, been drafted with especial regard to that part of Great Britain. ‘The Chancellor,’ says

Horace Walpole in his spirited account of the fight for the Marriage Bill, 'replied that he was sorry the clause' (*i. e.* the clause exempting marriages done in Scotland\*) 'was there; but the bill was too good to be lost, and might have much good engrafted upon it hereafter.'

The bill became law—and highly beneficial law—in spite of its several defects, which were attributable to Lord Hardwicke's opponents rather than to the Chancellor himself. It was inconsiderate, even cruel, to all conscientious non-conforming Protestants who were not Quakers. It was no less unjust and insolent towards the Catholics, and many persons residing in the country who were neither Christians nor Jews. If it did well to declare null and void all marriages solemnized without banns or license, or celebrated without special license in any but the specified places of worship, it did wrong to declare absolutely void the weddings of minors solemnized by license without the authority of parents or guardians. The exemption of Scotland from the reform was absurd—an absurdity fixed on the bill by the malice of its opponents.

But in spite of these and other defects, it was a valuable enactment, that effected much for do-

\* Marriages performed in Scotland were not the only marriages affected by the clause which 'provided likewise that nothing in this Act shall extend to the part of Great Britain called Scotland, nor to any marriages among the people called Quakers, or amongst the persons professing the Jewish religion, where both the parties to any such marriage shall be of the people called Quakers, or persons professing the Jewish religion respectively, nor to any marriage solemnized beyond the seas.'—*Vide Statutes of the Realm.*

mestic morality, social decorum, and the welfare of families in every grade of life. Blackstone lived to see that it neither stimulated the lower classes to profligacy nor put hurtful restraints on population. Instead of repudiating marriage, the populace adopted at once the decent and orderly wedlock that was substituted for the demoralizing mockery of a sacred rite. And though it has been wisely amended in several particulars, the Marriage Law which entitled Lord Hardwicke to a high place amongst England's benefactors still remains in substance and chief principles the Marriage Law of Victorian England.\*

Many years, however, passed before the excellent results of the measure silenced its censors, and caused them to desist from agitating for its repeal. In 1765, 1772, and 1781, futile attempts were made in Parliament to undo Lord Hardwicke's work ; and when Horace Walpole, carrying the spite of a par-

\* The subsequent legislation, which repealed the greater part of the Chancellor's Act, adopted the principles and fundamental provisions of the statute. In certain particulars the Act still remains in operation, and the chief requirements of the measure were re-enacted in later Marriage Bills. This should be borne in mind, as several writers of some authority have erroneously stated that Lord Hardwicke's reform was altogether set aside as injurious and intolerably vexatious. In his edition of Horace Walpole's letters, Lord Dover observed that the Marriage Act remained 'in force till some years ago, and until the injustice of its provisions, and the grievances resulting from them, became too great to be borne.' That Lord Dover made this mistake is less remarkable than that so learned a lawyer as Sir James Mackintosh committed the same blunder. In his 'History of England,' Sir James Mackintosh, yielding to Scotch prejudices, speaks of Lord Hardwicke's 'English Marriage Act' as 'an odious statute, now happily abolished.'

tisan from the political arena to the historian's closet, gave his account of the measure in his 'Memoirs of the Last Ten Years of the Reign of George the Second,' he had the daring and falsehood to stigmatize the reform as a needless interference with the liberties of the people. 'The New Act,' he wrote, 'set out with a falsehood, declaiming against clandestine marriages as if they had been a frequent evil.' In this way of extravagant and reckless untruth may history be written by a scribe inflamed by heats that had their origin in the agitations which he ventures to describe. Had Horace Walpole foreseen that in the course of not many years the registers of many of the Fleet clergy would be gathered together, to demonstrate to students the amazing prevalence of irregular wedlock in George the Second's London, he would not have put that astounding piece of false testimony in his piquant narrative. Of the chief cause of the historian's detestation of the Marriage Bill, and animosity against its framer, mention will be made in a subsequent chapter.

## CHAPTER XIII.

## THE SAVOY CHAPEL.

THE language of the Marriage Act was so precise in its prohibitions of irregular matrimony, and the punishment which it allotted to clergymen convicted of solemnizing wedlock in defiance of its orders was so severe, that the authorities did not suppose that they would soon be called upon to prosecute an ordained minister for disobedience to the new law. The event, however, contradicted their anticipations. The tavern-chapels and Mr. Keith's place of business had no sooner been closed than spouses bent on clandestine marriages found a London clergyman of good status and preferment ready to celebrate unions that were void *ipso facto*, and therefore powerless to afford lovers any of the advantages of lawful matrimony.

It required that a man should be an Irishman, and a priest, for him to imagine that he could with impunity violate the statute which the Ministry had enacted at a prodigious sacrifice of popularity, and which the irritated chancellor had determined to enforce strictly. Dr. John Wilkinson was an Irish gentleman; he was also a clergyman of charming manners, considerable eloquence, and excellent social position. Educated at St. Bees and Oxford, he had

married a lady of good family, filled the office of chaplain to his late Royal Highness Prince Frederick of Wales, and gained more than one piece of preferment. At the time when the new Marriage Act came into operation he was rector of Coyty, in Glamorganshire, curate of Wise, in the county of Kent, and chaplain of His Majesty's chapel of the Savoy. For more than twenty years he had held this chaplaincy, and by the exercise of the vocal power which he transmitted to his only son, the well-remembered comedian, Tate Wilkinson, he acquired a first place amongst the popular preachers of his time. He never delivered a sermon from the Savoy pulpit without stirring the admiration of a dense congregation of hearers, some of whom, though persons of culture and nice taste, declared him the most dramatic and persuasive of living orators. In the eighteenth century the prison of the Savoy was used for the confinement of military and naval deserters, and it devolved on the eloquent chaplain to prepare them for capital punishment and eternity, by delivering to them sermons suitable to delinquents under sentence of death. On the Sunday before they were shot, the culprits under the extreme sentence were led, by a way through the prison-kitchen, and over the leads of the Savoy, to the interior of the place of worship, where they were for the last time edified by their pastor; and young ladies, up from the country for a month's holiday in town, deemed themselves especially fortunate if they were taken to hear Dr. Wilkinson address a batch of deserters in what the town called familiarly 'a condemned sermon.' It was by this same route over the leads that Dr.

Wilkinson, on a certain 'fatal Sunday morning,' as his son, the comedian and autobiographer, calls it, escaped from the chapel, which his 'persecutors never again suffered him to enter.'

For years the chaplain of the Savoy had lived up to, and rather beyond, his income, entertaining with expensive hospitality his clerical friends and a crowd of smart acquaintances, the brightest ornaments of which crowd were a few people of title and high family who condescended to notice the agreeable clergyman, and help him onwards to his ruin. For many months the chaplain's door had been beset by emissaries of the law whom he had no wish to receive, and could not dismiss on friendly terms without paying their 'little bills.' The doctor's private affairs were in this troublous state, and fast approaching a discreditable exposure, when it occurred to him that as a royal chapel, standing on privileged ground, his chapel was exempt from episcopal jurisdiction, and that therefore he was in a position to solemnize under its roof, without banns or episcopal license, the weddings that could no longer be performed in the Fleet taverns. There is no need to imagine the logical processes by which the clergyman persuaded himself that his exemption from episcopal jurisdiction freed him from the obligation to obey the law of the land. It is enough to say that in the teeth of a statute which forbade clergymen, without the authority of special license, to solemnize matrimony in any place that was not a parish church or a chapel where banns had been heretofore usually published, he began to celebrate weddings at his unqualified chapel; and that, whilst

thus breaking the law, he violated it still further by solemnizing marriages in the unlawful place without banns or episcopal licenses.

How pleasantly the gentleman's misconduct affected his purse may be imagined from the fact that, whereas only nineteen weddings had taken place at the Savoy chapel in the year 1753, and fifteen weddings in 1752, three hundred and fifty-two couples were united there in the later months of 1754, and one thousand one hundred and ninety couples in 1755. 'Those marriages,' says the clergyman's autobiographic son, 'brought in a profusion of cash, and instead of thinking of a rainy day, all was rat-tat-tat at the street-door, and a variety of company.' Of course everyone of these fifteen hundred and thirty-two marriages, which enabled Dr. Wilkinson to pay his butcher and wine-merchant, and furnished young Tate with money for theatre-tickets and suppers in the Haymarket, was absolutely void, and the progeny of them illegitimate. But the doctor was sure that he was doing no wrong. His chapel was exempt from episcopal control. How could a trumpery Act of Parliament affect a royal and exempt chapel? a royal and exempt chaplain?

Even Tate Wilkinson admits that the Government at first acted most considerately and forbearingly towards the doctor, whom the crown lawyers regarded as nothing worse than a misguided person, who had broken the law through ignorance. It was explained to him that no chapel in the kingdom, save Quakers' chapels and Jewish synagogues, was exempt from the operation of the Act, that no marriage could be solemnized lawfully in the Savoy

chapel without the authority of a special license, that he must never again offend in like manner against the law, and that he ought to lose no time in assuring the persons whom he had married of the inadequacy of their weddings. Instead of taking this warning gratefully, the doctor replied to it with insolence. It was incredible to him that the extraordinary forbearance of the Government was due to any motive but the knowledge of their inability to enforce the law against him. He defied the Government to punish him, and persisted in his lawless course. Expostulation having failed, the law was set in action without delay.

On the fatal Sunday morning already alluded to, the doctor was performing divine service in his chapel, when intelligence was conveyed to him that constables, holding a warrant for his arrest, were in the congregation. In his alarm at the news, he hastily left the reading-desk, ran to the vestry-room, threw off his surplice and escaped by the leads. Running down the Savoy Gardens he arrived at the river's stairs, to find the water at low tide, and to see that he must hasten over the slippery slime of the river's bank for some distance, ere he could reach a boat. In his agitation and hurry he slipped and fell against some logs of wood, sustaining in the fall considerable injury ; but in a trice he recovered his feet, and crept along the bank to Somerset-stairs, where he found a boatman who conveyed him to the Surrey side of the water, whence he made good speed to Kent. At his curacy in Kent he was suffered to remain, on giving security to appear at the Old Bailey for trial, in July, 1756. But instead of desisting from his lawless

practices, during his retirement at Wise, he lost no time in engaging the Reverend John Grierson, who had acted as curate at Keith's Chapel up to Lady Day, 1754, to officiate at the Savoy Chapel, where marriages continued to be solemnized lawlessly by the chaplain's deputy.

Encouraged by a few unlearned lawyers and fierce politicians, who drank his wine and applauded his high spirit, to believe that he would be stronger than the law at his approaching trial, Dr. Wilkinson actually appeared at the Old Bailey without fearing that any jury of Englishmen would convict him of felony. He was soon undeceived. When he urged in his defence that he had always married with the authority of license, *i. e.*, of licenses which he had granted himself in accordance with the ancient privileges of his office, he brought one universal smile of amusement to the countenances of his legal hearers. By speaking of himself as the victim of despotic power, a victim who 'had been pursued with unrelenting vengeance,' he roused the laughter even of auditors who hated the Marriage Act and hoped that the jury would be false enough to acquit him. The orator, who had for years been persuasive at the Savoy, failed to achieve his end at the Old Bailey. He was found guilty and sentenced to transportation to America for fourteen years.

A hundred and twenty years since transportation was not necessarily a sentence of penal servitude to the delinquent who could pay thirty pounds to the authorities as an equivalent for what they would lose by forbearing to sell him as an apprentice for a term of years to a master. When, therefore, Dr. Wilkinson

was shipped for an American 'plantation,' he did not start for the new world with the dismal prospect of slavery before him. His personal friends, and several sympathizers, who without knowing him personally pitied him as the victim of a barbarous reform, subscribed a fund that paid the price of his freedom within the limits of the scene of his banishment, provided for him on board-ship indulgences denied to ordinary convicts, and gave him the means for starting in a gentlemanlike way of life on the other side of the Atlantic. But the generosity which consoled the fallen man under his disgrace, and mitigated the wretchedness of his few remaining days, aimed at doing more than death allowed it to accomplish. Dr. John Wilkinson never landed in the colony to which he was consigned. The convict ship on which he was placed had scarcely sailed from the mouth of the Thames when it encountered severe gales; and after working about the Channel for several days it was driven by stress of weather into Plymouth, where the clergyman died from an attack of gout in March, 1757. 'The merciless invaders,' *i.e.*, sorrow, sea-sickness, and gout, Tate Wilkinson\* observes

\* Besides being a comic actor, Tate, the autobiographer, was unintentionally a very comical writer. 'It now became,' he says with respect to his persecuted father, 'the act of necessity for the public and his friends to be stretched to the strength of their humanity, to equip and support him as a gentleman for his voyage to America. His connexions were considerable, consequently his recommendations were such as would, doubtless, have placed him in a light of admiration as a man of the Gospel, had he arrived and lived in that land. His qualifications as a scholar and as an orator, with the extraordinary law that had occasioned his removal there, must, in all probability, have made amends for his suffer-

magnificently, 'proved too mighty for his fortitude,—the noble cordage cracked and broke! grim death sate triumphant over his conquered manes!'

The law that adjudged Dr. Wilkinson a felon, and punished him for his heinous offence, was not less severe to the doctor's curate. An indigent man, of execrable morals and abominable repute, the Reverend John Grierson had been tried at the Old Bailey in 1748 'for marrying Jonathan Brooks to Miss Mary Redding, spinster, in an empty house, against her will,' when he was retained by Alexander Keith to celebrate weddings at the Mayfair Chapel-with-the-porch. At his trial this worst specimen of a Fleet parson took credit to himself for having married one of his own sons at the Savoy Chapel, and argued that his conduct in linking his own child to a woman by an insufficient marriage was evidence of his belief in the legality of his conduct. The jury, not concurring in this view of his behaviour, exhibited no compassion

ings, and have raised him to the highest estimation. . . . My father, with every comfortable necessary as a gentleman—all his valuables, clothes, his writings, his bureau, his cash, with commendatory letters, &c.—set sail for America, but was previously obliged to pay thirty pounds as a perquisite for his freedom—a tax on misfortune—as a tribute to the hungry commanders of such vessels. But it seemed as if the Almighty arm had purposely interfered to prevent the disgrace of any one of His holy servants here on earth landing as a criminal in a foreign clime, *for only performing that ceremony*—instituted in His Holy Writ—as a sacred bond of unity between those whom inclination had led to his sacred altar, therein obeying the impulse of nature, ordained and sanctified by God Himself.' The comedian says much more that is as ingenious and piquant as the foregoing passage in glorification of his felonious parent. *Vide* 'Memoirs of his own Life, by Tate Wilkinson, Patentee of the Theatres Royal, York and Hull. In four vols. 1790.'

for a culprit who is said by a writer in the 'Gentleman's Magazine' to have married 1400 couples at the Savoy.

Tate Wilkinson's memoirs and the Savoy registers render it highly probable that the writer in the 'Gentleman's Magazine' grossly exaggerated the number of lawless weddings solemnized by the fellow at that chapel. But it is certain that he officiated there at a wedding which made a great stir in theatrical circles shortly before his apprehension. David Garrick—'King David,' as Tate Wilkinson calls him bitterly,—was ruling at Drury Lane Theatre, when intelligence reached him that two of his subjects, Mr. Vernon and Miss Porter, had perpetrated matrimony without first gaining his consent. It was said that the marriage had been irregular. It was even whispered by some of Vernon's rivals that he had obtained possession of the lady without going through any form of marriage whatever. On hearing the rumours Garrick, who was heedful for the morals and reputation of his green-room, determined to inquire into the affair. Tate Wilkinson is sure that King David's only motives in stirring in the matter were a desire to get a piece of law-business for his brother, George Garrick, the attorney, and a wish to give George Garrick's father-in-law, Mr. Carrington, one of the King's Messengers, an opportunity for ingratiating himself with the Ministry. But of course Tate Wilkinson was not likely to think well of the manager's zeal in prosecuting the curate of the Savoy Chapel. All that we know of Garrick's honourable spirit and social respectability justifies us in believing that his action in the matter of Miss Porter's marriage was alto-

gether creditable to him. As a humane and conscientious gentleman, he took all proper means to preserve the young women of his theatre from depraving influences ; and on hearing that Miss Porter had given herself to one of his actors by an invalid form of marriage, he very properly asked for the facts of the case, so that an innocent girl might not through her ignorance or folly sacrifice her good name and miss all the advantages of lawful matrimony. On being pressed by his manager, the actor confessed that he had been married at the Savoy Chapel, and in support of his statement showed Garrick the certificate of the marriage, signed by Grierson. Indignant on learning the way in which Miss Porter had made herself over to her nominal husband, Garrick took the certificate to Mr. Carrington, who lost no time in conveying the piece of written testimony to the crown lawyers. Like his employer, John Grierson was sentenced to fourteen years' transportation, and died on his way to the plantation to which he was consigned. Less out of pity for him than from compassion for his wife and numerous children, the public subscribed a considerable sum to place the convict and his family advantageously in the Transatlantic settlement where he failed to arrive.

Subpœnaed to give evidence against Grierson at the Old Bailey, Mr. Vernon appeared reluctantly in the witness-box of the criminal court, and in reply to counsel's questions acknowledged the circumstances of his spurious wedding. In doing so he merely yielded to a necessity which it was well known he would gladly have avoided. But so strong was the public feeling in behalf of the Fleet clergy—even for

so vile a specimen of them as John Grierson—that the actor was compelled by the resentment of the theatrical profession and the London playgoers to retire from the stage. Naming the particular month in which the unfortunate player was driven from his employment by the frequenters of Drury Lane, Tate Wilkinson says, ‘Mr. Vernon was banished the stage by the audience in London as an informer, in September, 1756’—a date many months subsequent to the committal of Grierson, whose vacated place at the Savoy Chapel was for a short time filled by a clergyman named Brooks.

## CHAPTER XIV.

## GRETNA-GREEN MATCHES.

ON being at last convinced that it was no longer possible for a couple who were neither Jews nor Quakers, nor members of the Royal Family, to be married on English soil without complying with the requirements of the new Marriage Act, runaway lovers and other spouses, wishing to enter matrimony by irregular means, availed themselves of the clause that placed beyond the operation of the statute all marriages performed in Scotland and beyond the seas.

At first the lawless lovers crossed the water to Man or Guernsey, or one of the other British islands within a few hours' voyage of the English coast. But Man was soon closed to them by a special statute enacted by the Parliament of the Isle in 1757. Adopting the stringent orders and penalties of Lord Hardwicke, the legislature of the little isle declared, 'if a marriage shall be solemnized in any other place, within the isle or dominion thereof, than in a church, unless by special licence, or without having banns published or licence obtained of some persons properly authorised, the marriage shall be void.' It assigned the punishment of transportation for fourteen years to every clergyman of the island who

should be convicted of officiating within the isle at an irregular wedding. The statute further directed that every stranger to the isle, whether lay or clerical, and every Manx layman, convicted of solemnizing marriage lawlessly, should be pilloried, lose his ears, and be imprisoned, until the governor should see fit to release him, on the payment of a fine not exceeding fifty pounds.

A writer of the 'Gentleman's Magazine,' January 24, 1760, called attention to the elopement of a Gravesend heiress, who in her sixteenth year escaped from her guardian, and went off with her lover to Guernsey, where she was securely married. And it is certain that for a few years 'Guernsey matches' were scarcely less frequent than 'Scotch matches' subsequently became in the higher grades of English society. After posting from London to Southampton an eloping couple could always find at that port a small vessel at their service. The fare for the passage and rude entertainment on board the boat for the two fugitives was five guineas, and for a brief while the masters of craft trading between Southampton and St. Peter Port made considerable gains by ministering to spouses flying from indignant parents. But of the many brides who thus made a Guernsey match, no one was ever known to reflect with satisfaction on her experiences in a slow sailing boat on the rough waters off Alderney and the Caskets. In these days of fast and well-furnished steamers, the trip from England to the most picturesque of the Channel islands is often attended with serious inconveniences to ladies who are bad sailors. In the time before steam navigation, when the best packets on the

line often passed several days in fog and storm, in accomplishing a voyage which in recent years has seldom exceeded twelve hours, it was frequently an enterprise of protracted peril and suffering. The accounts given by Guernsey-match brides, on their return to England, of what they endured throughout miserable days and nights in the Channel brought the island into discredit with lovers ; and in consequence of the terrifying descriptions, fashion declared in favour of Scotland as the proper scene for irregular solemnizations of matrimony.

When the eloping brides of England first took the northern road to wedlock, it was seldom that a pair of spouses flying from the barbarous requirements of Lord Hardwicke's Act were married south of Edinburgh. Their usual course was to post at full gallop, with four fresh horses for every stage, to the Scotch capital, and take up their quarters at one of the several taverns in the Canongate, where a so-called parson or coupler was always at hand to witness and register the promises of runaway lovers. The Canongate marriages for a while superseded the abolished Fleet wedding, and Canongate parsons succeeded to the employment and notoriety of the suppressed Fleet parsons. In one important particular, however, the matrimonial 'couplers' of Edinburgh differed greatly from the Fleet clergy. In London, with the exception of a few impostors who had never received the episcopal ordination indicated by their garb, the Fleet parson was a member, though a disreputable one, of the clerical profession. This was not the case with the Canongate parsons, no one of whom had ever been consecrated to the service

either of the Scotch or of the English Church. Lawyers' clerks whose hands sottishness had deprived of the power to use the pen effectively, or lacqueys discarded from domestic service on account of their dishonesty, these fellows loitered about the yards of the Canongate inns, ready, for any sum from a guinea to a shilling, to do any work that was not hard work. The Canongate parson would act as a guide to a party of tourists inspecting the lions of the capital, or for a few pence carry a message to the most remote part of the town. Sometimes he figured as an extra waiter at a public dinner ; but it was not often that he was employed so respectably, for he was an habitual tippler, and was apt to become stupid and riotous on the heel-taps of glasses seized from the side-board. The persons who called this liquor-sodden varlet to their aid for matrimonial purposes being almost always southrons of the established Church, he pretended to be an Anglican clergyman ; and in support of this impudent fiction usually appeared in a dirty surplice or tattered bombazine gown and bands, when he officiated at a coupling. By a rascal of this repulsive kind Lord George Lennox was married at Edinburgh in 1759 to Lady Louisa Kerr, whose elopement with her lover to the north is mentioned in a letter written by Mr. Jenkinson to Mr. Grenville, and preserved in the first volume of the 'Grenville Papers.'

But the Canongate soon ceased to be the usual place for the Scotch marriages of lovers who had eloped from England. Brides whose only object in visiting Scotland was expeditious wedlock did not care to undergo the additional expense and fatigue of

posting from the border to the northern capital, for the performance of an unedifying ceremony that could be more quickly and conveniently accomplished at the little village of Gretna, to fugitives from England the most accessible point of Scotland, at the south-east corner of Dumfriesshire.

In the majority of elopements it was important to save the time required for the longer journey to Edinburgh. The flying couple were usually followed at a short distance by the friends of the bride, and every mile added to the race for marriage increased the risk of her recapture. An accident to a horse or a carriage-wheel might occasion a delay to the progress of the fugitives that would enable their pursuers to overtake the captor and recover his prize. Ten minutes gained or lost by the lovers might cause the success or failure of an expedition which, in case of success, terminated with a form of wedding that did not require two minutes for its achievement. Some of the races for Gretna-Green were so near that the betting on the contendants was even amongst the excited spectators of the chase. A pedestrian on the English high-road within a mile of the Scotch boundary would be overtaken by a light travelling chariot, drawn at the rate of sixteen miles an hour by four of the fleetest post-horses that the host of Carlisle's chief inn could afford. Each postilion would give his whip-hand horse a cut with his whip at every bound of the infuriated creature, whilst as frequently he plunged his spurs into the reeking flanks of the animal that he bestrode. And as the riders passed him at their perilous speed, pale as death in their faces, whilst they flogged and spurred like jockeys at

the finish of a neck-and-neck Derby, he would see the bridegroom's head at the front window of the vehicle, and hear him screaming frantically, 'Go it! go it!—we are getting away from them!—Fifty guineas to each of you, if we get there in time?' Another five minutes and the pursuers—two red-faced elderly gentlemen, whirled along at the same mad pace in a similar chariot, drawn by equally fleet horses—would dash past him. 'How far ahead? Shall we catch them?' 'Five minutes before you, —not more.' The response would scarcely have been shouted out when the spectator would see the chase ended abruptly by the fall of a horse, the breaking of a trace, the upset of the carriage, or some other mishap that might just as well have befallen the fugitives and given the victory to their pursuers.

The popular and altogether erroneous notion that Gretna-Green couples were wedded by a blacksmith whose forge served the purpose of a hymeneal altar had its origin in a scribbler's reference to Vulcan's labour in forging the fetters of wedlock. There is no evidence that anyone of the Gretna-Green marriages was solemnized in a smithy, or that anyone of the famous Gretna-Green 'couplers' ever followed the smith's calling. One of those so-called parsons had been a common soldier, another had been a tobacconist, a third had carried a pedlar's pack: all of them were drunkards and cheats; but it remains to be shown that anyone of them ever shod a horse or wrought an iron bolt.

A fellow named Scott, who inhabited a cottage near the Rigg, two or three miles from Gretna Green,

was the first person to make a livelihood by joining clandestine lovers in Dumfriesshire. On Scott's retirement from the scene of lawless matrimony, George Gordon, an old soldier, became the coupler of the district, and succeeded in persuading the simpletons of the country that in marrying runaway spouses he acted on the authority of a special commission, for which he paid the Government fifty pounds a-year. As nobody required him to exhibit his commission, the impostor gained credit for possessing a document that secured to him a monopoly of the marrying business of the neighbourhood.

But the effrontery with which he asserted his imaginary privilege did not long preserve him from competitors : and in his last days George Gordon, the 'licensed and regular coupler,' was greatly disturbed by the success of Joe Paisley, formerly of the tobacco trade, who started as matrimonial 'coupler' somewhere about the year 1789, and ingratiated himself with the keepers of the Grey-Green drink-shops by astounding feats of sottishness. A Scotch pint, *i.e.* two English quarts of brandy, was the amount of fiery drink which the reverend gentleman consumed daily, without ever rendering himself riotous, or too stupid for the discharge of his sacerdotal functions. Even on the memorable occasion when he and his chum 'Ned, the turner,' poured into their bodies, between an early hour of a certain Monday morning and a late hour of the following Saturday evening, the entire contents of an anker of strong cognac, he walked away from the empty cask without reeling, and appeared at kirk the next day in a clean shirt, and with a countenance that gave no

sign of the way in which he had spent the previous six days. The public-houses of 'the Green' felt themselves bound in gratitude and self-interest to do all in their power to support the 'coupler' who did so much for them. To Gordon's chagrin, Joe Paisley soon came to be regarded as chaplain-in-ordinary to every tavern of the Gretna district.\* It was to no purpose that the old soldier talked grandly about his commission, his arrangement with the government, his annual payment of 50*l.* to the Chancellor of the Exchequer, Joe Paisley's only reply to the veteran was to call for another quart of brandy, and drink it silently.

When he officiated at a wedding, George Gordon always wore a military costume,—consisting of a large cocked hat, red coat, and high boots. A ponderous sword and scabbard dangled at his side; and the old soldier assumed the air of a captain about to

\* The following picture of Joe Paisley, the 'Old Blacksmith,' was drawn by an official pen: 'The persons who follow this illicit practice are mere impostors—priests of their own creation, who have no right whatever either to marry or exercise any part of the clerical function. There are at present more than one of this description in this place, but the greatest part of the trade is monopolized by a man who was originally a tobacconist, and not a blacksmith, as is generally believed. He is a fellow without education, without principle, without morals, and without manners. His life is a continued scene of drunkenness; his irregular conduct has rendered him an object of detestation to all the sober and virtuous part of the neighbourhood. Such is the man (and the description is not exaggerated) who has the honour to join in the sacred bonds of wedlock many people of great rank and fortune from all parts of England. It is forty years and upwards since marriages of this kind began to be celebrated here. At the lowest computation, about sixty are supposed to be solemnized annually in this place.'—*Vide* 'Statistical Account of Scotland.'

lead his troop in a desperate charge. Joe Paisley's 'get-up' was strictly clerical. He had a gown, cassock, bands, and a three-cornered hat that gave his comely face and large form a most imposing appearance. At the outset of his career this mock ecclesiastic used to join the bride and groom with his own hands and bless them with sacerdotal solemnity, before giving them a mis-spelt and scarcely legible marriage certificate, signed with an assumed name. But on learning from a Scotch advocate whose opinion he took on a case which required him to appear as a witness in Westminster Hall, that his course of action might possibly bring him into trouble, he henceforth signed his certificates with his own name, and, instead of testifying that he had married his customers, merely certified that he had witnessed them exchange the binding promises of marriage. In doing so he offended in no way against the law, which, in inquiring into the validity of a wedding, never regarded the Greynd-Green parson, or the Canongate parson, or the ordained Fleet parson, as anything more than the witness of a civil contract. Adopting this safe and altogether legal course, Joe Paisley flourished for many years, drinking more brandy and chewing more tobacco than any other Scotchman of his day, and did not pass away from the Green until he had buried his good looks in fat, and made himself a monster of obesity, weighing twenty-five stone.

On his death numerous candidates appeared for his relinquished business, the greater part of which fell to David Laing, the retired pedlar,—or merchant, as he asserted in the Lancaster Court-House—who united Edward Gibbon Wakefield and Miss Ellen

Turner with matrimonial bands, which an Act of Parliament severed, after the groom had been convicted of the felonious abduction of the heiress. At the famous trial of this luckless abducer and his confederates, William Wakefield (Edward's brother), Frances Wakefield, and Edward Thevenot (the abducer's servant), March, 1827, at the Lancaster Lent Assizes, David Laing appeared as a witness, dressed in a black cloth coat, waistcoat and breeches of black velvet, and an admirably polished pair of top-boots. During his examination he held in his hand a three-cornered hat of the orthodox clerical fashion, and behaved with grotesque stupidity and pompousness. To preserve the bridegroom of a Gretna-Green match from a criminal prosecution for running away with an heiress, care was always taken to make it appear that the lady had played the abducer's part, and had carried off her lover, whose worst fault was weakness in suffering himself to be borne away by his charmer. At Carlisle the bride always ordered the post-horses for the last stage, in the absence of the spouse, who left the room whilst the lady requested the host of the posting-house to put four horses at her service. At Gretna-Green it was she who paid the postilions, sent for the coupler, and paid the rascal for his services and certificate. At Lancaster, in 1827, in reply to questions put by Mr. Scarlett, the prisoner's counsel, David Laing was careful to say that Miss Ellen Turner had performed one of the acts by which a Gretna-Green bride usually indicated that, besides consenting to her marriage, she had of her own free will brought her-

self to Scotland, and constrained her spouse to accompany her.\*

The fees paid to the Gretna-Green 'couplers' for officiating at weddings varied from three or four pounds to as many shillings. But they could not keep for their own use all the money paid them by runaway couples. The parson who received three guineas from an heiress was constrained to give at least half-a-guinea to each of the postilions who had brought him the job, and another half-guinea to the keeper of the public-house in which the wedding had been solemnized. In some cases the coupler's fee

\* *Counsel.* In fact you married them in the usual way.—*David Laing.* Yes, yes, I married them after the Scotch form; that is, by putting on the ring on the lady's finger, and that way.—*Counsel.* Were they both agreeable?—*David Laing.* Oh, yes; I joined their hands as man and wife.—*Counsel.* Was that the whole of the ceremony; was it the end of it?—*David Laing.* I wished them well, shook hands with them, and, as I said, they then embraced each other very agreeably.—*Counsel.* What else did you do?—*David Laing.* I think I told the lady that I generally had a present from 'em, as it may be, of such a thing as money to buy a pair of gloves, and she gave me, with her own hand, a twenty-shilling Bank of England note to buy them.—*Counsel.* Where did she get the note?—*David Laing.* How do I know?—*Counsel.* Did you give them a certificate?—*David Laing.* Oh, yes; I gave it to the lady.' In his cross-examination the witness admitted to Henry Brougham that he had also received a large sum of money from the bridegroom—'thirty or forty pounds or thereabouts, as may be.' *Henry Brougham.* Or fifty pounds, as it may be, Mr. Blacksmith?—*David Laing.* May be, for I cannot say to a few pounds.—The lady's gift, however, was supposed to be the parson's payment for wedding the couple. David Laing, in his evidence, said that he was seventy-four years of age, and had been employed in the marrying business for forty-eight years. 'Upwards of forty-eight years I am doing these marriages.'—*Vide Report of Edward Gibbon Wakefield's Trial (Murray).*

was divided into three equal parts, one of which went to the tavern-keeper, one to the two postilions, whilst the remaining third was all that the reverend confederate was allowed to keep for himself. But, like the Fleet parsons of former days, the Gretna-Green 'coupler' gained in the course of years a great deal of money for new copies of marriage certificates, and for his evidence at trials. The forty or fifty pounds which Edward Gibbon Wakefield paid to David Laing were probably given as a bribe to the person who might appear as a witness in an ugly case, rather than as a fee to the priest. The same may be said of still larger sums which this coupler is *said* to have received from rich men who came to him with heiresses.

The introduction of railways increased for several years the number of irregular marriages performed in Scotland by English spouses; but the very facilities, afforded by the new system of locomotion for the perpetration of lawless wedlock, in due course occasioned the enactment that, without making any radical change in the marriage-law of Scotland, has put a stop to Gretna-Green matches. By 19 & 20 Victoria, chap. xcvi.—a statute that came into operation just ten years after the opening of the Lancaster and Carlisle Railway—it was declared, 'After the thirty-first day of December, one thousand eight hundred and fifty-six, no irregular marriage contracted in Scotland by declaration, acknowledgment, or ceremony, shall be valid, unless one of the parties has at the date thereof his or her usual place of residence there, or has lived in Scotland for twenty-one days next preceding such marriage; any law, custom, or usage to the contrary notwithstanding.'

Though it rendered illegal the Gretna-Green match that became fashionable in George the Third's reign—*i. e.* the elopement of English spouses, followed by their marriage immediately upon their arrival in Scotland—the afore-mentioned statute of Victoria has not, as some people erroneously suppose, rendered illegal the merely civil wedlock of English lovers in Scotland. Any London damsel, who desires her marriage to be solemnized in the most unseemly and irregular of ways, may still have her wish by running off to Gretna, and asking any old drunkard of that parish to couple her with her lover, or, to speak exactly, to witness her and her lover unite themselves in marriage by a declaration of their purpose to live together as man and wife. But to do this thing so that it may be valid wedlock, she or her spouse must spend in Scotland the three weeks immediately preceding their matrimonial union. By depriving Gretna-Green marriages of the especial advantages that formerly caused our eloping lovers to fly to 'the Scotch blacksmith,' the Act, passed in July 1856, practically abolished the couplers of the Green, and closed their offensive proceedings. At the present time no lazy, tippling rascal subsists at the once notorious village of Dumfriesshire by witnessing the vows of runaway lovers.

The civil wedlock of our recent Statute Law and the modern registrar's office, in its arrangements for ensuring deliberateness on the part of spouses and for preserving evidence of their unions, differs so materially from the civil matrimony of the old Common Law that the two modes of marriage have nothing in common but their recognition of the

secular nature of the contract and their rejection of sacerdotal intervention. The old kind of civil matrimony—the mode of English wedlock that originated in days of marriage by purchase—may be said to have perished in a foreign land from the Statute of 19 & 20 Victoria, c. 96. Over its grave beneath the sward of Gretna Green should be raised a monument bearing this inscription, ‘Banished from its native country by the barbarous law of Lord Chancellor Hardwicke, the Oldest Form of Civil Marriage (known in England, since the epoch of Violent Matrimony), after languishing for one hundred and two years in exile, expired on this northern plain December 1856, from a blow given it by the Privy Advisers of Queen Victoria.’

## CHAPTER XV.

## THE CARRYING AWAY OF HEIRESSES.

A CONSIDERABLE proportion of the Gretna-Green matches involved offences against statutes for the protection of heiresses enacted in the reigns of Henry the Seventh, Philip and Mary, Elizabeth, and George the Fourth ; concerning which Acts the non-legal reader will be thankful for a little information.

It is significant of the tolerance exhibited by our ancestors to robbers of womankind, long after their general relinquishment of forcible marriage, that our strictly feudal period was drawing to a close before the violent seizure of a woman was made a public crime, to be punished by the law, instead of a private injury for which one of the injured persons, *i. e.*, the previous owner of the stolen woman, could only obtain redress by civil process. And it is no less significant of the view taken of that offence by our forefathers of the fifteenth century that, in declaring the misdemeanour a capital felony, they drew a distinction between poor women and rich women, leaving the former sort of womankind under the old law, whilst they limited the operation of the new statute

(3 Henry VII. ch. ii.)\* to the taking away of women, whether maids, widows, or women, possessed of lands and goods. To steal a girl who did not possess so much as the clothes that covered her was an irregularity, and perhaps a wrong to her father; but henceforth the robbery of an heiress or any woman of money was a principal felony. A man might still carry off a girl *for love*, without placing himself within the grip of the criminal law, provided her poverty showed that he had not carried her off *for lucre*.

In spite of this severe enactment, however, heiresses were still withdrawn from their parents to

\* The Act is entitled 'The penalty for carrying a woman away against her will that hath lands and goods.' It says, 'Whereas of late times divers women, as well maidens as widows and wives, having substance, some in goods moveable, and some in lands and tenements, and some being heirs apparent to their ancestors. for the lucre of such substance been oftentimes taken by misdoers, contrary to their will, and afterwards married to such misdoers, and to others by their assent . . . to the great displeasure of God, and contrary to your Highness' laws, and disparagement of the said women, and great heaviness and discomfort of their friends, and ill example of others. It is, therefore, ordained, established, and enacted by our sovereign lord the King, by the advice of the Lords Spiritual and Temporal, and the Commons in the said Parliament assembled, and by the authority of the same, that what person or persons from henceforth that taketh any woman so against her will unlawfully, that is to say, maid, widow, or wife, that such taking, procuring, and abetting to the same, and also receiving willingly the same woman so taken against her will, and knowing the same be felony; and that such misdoers, takers, and procurators to the same, and receitors, knowing the said offence in form aforesaid, be hence reputed and adjudged as principal felons. Provided always, that this Act extend not to any person taking any woman, and retaining her as his ward or bondwoman.'—*Vide Statutes at Large*.

the annoyance and impoverishment of their families; and in the majority of cases the robbers escaped the penalty, designed for them by 3 Henry VII., c. 2, 693, because they had no recourse to violence in removing their prey, and were cunning enough to induce the captured heiresses to perform acts that constituted legal demonstration of their consent to their withdrawal. In his prudent fear of the gallows, the matrimonial fortune-hunter no longer surrounded the object of his cupidity with a band of armed confederates, and seizing the heiress forcibly bore her away on a galloping charger to a scene of compulsory wedlock. But he was still at liberty to approach her with flattery and gifts, and induce her by fascination to leave her home in his company. The frequency with which adventurers of his sort, 'unthryftie and lighte personages,' as the old statute calls them, gained possession of heiresses 'by flatterye, tryfelyng gyftes, and fayr promises,' occasioned the statute, 4 and 5 Philip and Mary, c. 8,\* by which any male

\* Worded with piquant quaintness, the preamble of this statute says, 'Whereas maydens and women, chyl dren of noble men, gentlemen, and others, as well suche as be heyres apparaunt to theyr auncestors, as others hauinge lefte unto them by theyr father or other auncester and friendes, landes, tenementes, and heredytaments, and other great substaunces in goodes and catalles moveable, for and to the jntente to advaunce them in maryage somewhat lyke according to theyr degrees, and as myghte be mooste for their suretie and comforte, as well for themselves, as of all other theyr freinds and kynfolks, be often tymes unwares to theyr sayde freindes or kynfolkes, by flatterye, tryfelynge gyftes, and fayre promises of manye unthryftie and lighte personages, and thereto by the intreatye of persons of lewde demeanoure and others, that for rewardes bye and sell the sayd maydens and chyl dren, secretlye allured and wonne to contract matrimony with the said unthrifty and lyght personages, and thereupon either

robber, above eighteen years of age, guilty of carrying off an heiress under sixteen years of age, subjected himself thereby to a fine in the Star Chamber and two years' imprisonment. But the part of this statute that affected the matrimonial fortune-hunters most grievously was the provision that the real estate of any heiress, marrying before the completion of her sixteenth year without the consent of her parents or guardians, should forthwith go to her next of kin, who should hold it during her life. At her death the estate reverted to her issue, if she left any, and descended as it would have done 'in case thys acte had never byn made, other than to him only that so shall contract matrimony.'

Nor may it be imagined that the statute of Henry the Seventh altogether put an end to the violent carrying away of heiresses. Offenders against that act being allowed to plead their clergy for a first offence, women of property were still sometimes seized by scoundrels who, on being brought to trial for seizing and marrying their victims against their will, avoided the proper penalty of their crime by the legal contrivance that, even so late as 1827, enabled the perpetrator of one of divers offences, on a first conviction, to escape with his life and go away with no severer punishment than the stigma set on his hand by a branding-iron, and on his character by

with slughte or force oftentimes, oftentimes be taken and conveyed away from theyr sayde parentes, friendes, or kynefolkes, to the high displeasure of Almyghtie God, disparagement of the sayde chyl dren, and the extreme continual paynes of all theyr freindes, which ungodly dealynge for lacke of wholesome lawes to the redresse thereof, remayneth a great familier and common mischiefe in thys our common welth.'—*Vide* 4 & 5 Philip and Mary, c. 8.

the scandal of a criminal prosecution. To correct this evil, an amendment of the law (39 Elizabeth, c. 9) took away the benefit of clergy from felons convicted of the forcible abduction of heiresses.\* Henceforth the violent captor of an heiress married his victim against her will, at the risk of putting the hangman's rope, as well as the matrimonial noose, around his neck. Persons assisting him in his criminal enterprise ran the same risk, as Sir John Johnston discovered to his surprise and dismay in the days of William the Third, when he brought himself to the gallows by acting as best man to Captain Campbell, who wedded by force Miss Wharton, the heiress of the House of Wharton. Sir John, who became so signal a warning to the 'best man' of the seventeenth century and later times, was proved to have himself seized the young lady, whose marriage with her captor was annulled by Act of Parliament in 1690.

Queen Elizabeth's amended law against the captors of heiresses remained in force until the first year

\* 'Be it therefore enacted,' says this statute, 'by the Queen's most excellent Majesty, the Lords Spiritual and Temporal, and the Commons in the present Parliament assembled, and by the authority of the same, that all and every such person or persons as at any time after the end of the present session of Parliament shall be convicted or attainted of or for any offence to be committed after the end of the present session of Parliament, made felony by the said Act of the third year of the reign of King Henry the Seventh, or which shall be indicted and arraigned of or for any such offence, and stand mute, or make no direct answer, or shall challenge peremptorily above the number of twenty, shall in every case lose his and their benefit of clergy, and shall suffer the pains of death without benefit of clergy; any former law to the contrary notwithstanding.'—*Vide* 39 Eliz. c. 9.

of George the Fourth, when transportation was substituted for capital punishment. Eight years later, another change of the law (9 Geo. IV. c. 31) subjected every person and his abettors, convicted of feloniously carrying away an heiress against her will with intent to marry her, or cause her to be married, to transportation for life, or for any term not less than seven years, or to imprisonment with or without hard labour for any term not exceeding four years.

Many of the readers of this page doubtless remember how, in the opening volume of Richardson's 'Sir Charles Grandison,' the heroine of the story falls into the hands of the wicked baronet, Sir Hargrave Pollexfen. She is leaving the masquerade in the Haymarket, where she has been taken by her modish friends of the West End, when she is induced by one of the villain's agents to enter the wrong sedan-chair. In a trice the bearers have put their shoulders under the poles of the portable box, and the 'incomparable Miss Harriet Byron' is being borne towards Mrs. Awberry's house in Lissom (now-a-days called Lisson) Grove, where Sir Hargrave, with alternate flatteries and menaces, endeavours to make her go through an irregular marriage with him in the presence of a coarse-mannered and tobacco-chewing Fleet parson. Failing to bully her into compliance with his desires, the captor dismisses the clergyman, and, after getting the better of his transient compunctions of conscience, and pity for her distress, places her by force in a coach and six, and carries her off in the direction of his place at Windsor, where he means to conquer her stubborn will, and compel her, in spite of her detestation of him, to become his

bride. Surrounded by armed servants, the coach is on its darksome way towards the atrocious Sir Hargrave's country house, when it is encountered by the equipage of Sir Charles Grandison, who, on hearing the incomparable Harriet's cries for help, leaps from his chariot, rescues the innocent damsel from her perfidious persecutor, and becomes at once her "best of men." Not a few of the English matrons who are still alive to look after their daughters and grand-daughters at Belgravian balls can remember how the narrative of Harriet's anguish and despair thrilled their hearts with sympathetic indignation when they were simple country girls, so ignorant of London as to imagine that, on coming up to town for their 'first season,' they, too, might be kidnapped by diabolical baronets.

Intelligent people of the present day, who have not paid much attention to the social annals of the last century, are likely to imagine that the story of Miss Byron's ill-treatment at the hands of Sir Hargrave Pollexfen was a mere piece of romantic art—sufficiently like real life for the sensational purpose of the novelist, and the excitement of his readers, but altogether contradictory to the actual experiences and social conditions of gentlewomen in George the Second's London. But the writers of novels and dramas, who concur with Richardson in depicting a London society in which such an affair as the seizure of Harriet Byron was no rare occurrence, are not the only witnesses to the astounding temerity and disregard for law with which men of fashion and other masculine adventurers, in the days of the Mohocks and later roarers about town, laid hold of the well-

born damsels whom they wished to possess for love or lucre. The records of criminal trials, the pages of social essayists, and the letters of private correspondents, show that the playwrights and novelists did not exaggerate the risk which circumspect young ladies of beauty and fortune ran of being forcibly captured by their admirers in the capital, and also in the provincial cities of England, a hundred or more years since.\* Had the violent seizing of heiresses and other women of money been a lawful pastime instead of a felony punishable with loss of life, the youngsters and braggarts of Queen Anne's town

\* In one of his social essays, Defoe remarks, 'The arts and tricks made use of to trepan, and, as it were, kidnap young women away into the hands of brutes and sharpers, were very scandalous, and it became almost dangerous for anyone to leave a fortune to the disposal of the person that was to enjoy it; and where it was so left, the young lady went always in danger of her life; she was watched, laid wait for, and, as it were, besieged by a continual gang of rogues, cheats, gamesters, and such like starving crew, so that she was obliged to confine herself like a prisoner to her chamber, be locked, and barred, and bolted in, and have her eyes every moment upon the door, as if she was afraid of bailiffs and officers to arrest her; or else she was snatched up, seized, hurry'd up into a coach-and-six, a fellow dressed up in a clergyman's habit to perform the ceremony, and a pistol clapt to her breast to make her consent to be marry'd, and thus the work was done.'—*Vide* 'Defoe's Essay on Conjugal Intercourse.' Writing in 1727, Defoe says that the rigorous execution of the law had done much for the security of wealthy womankind; but his account of what heiresses *used* to endure before the improvement may be taken as a fair picture of what many of them endured from their hunters after George the Third's accession. The violent captors often defied the law, because they were confident of their power to reconcile their victims to their fate, or because they knew that humanity, even more than prudential considerations, would render the injured women reluctant to put a severe law in force.

could scarcely have followed it more openly and impudently.

But the student of our social annals has not to go back to the eighteenth century for an illustration of the audacity with which the matrimonial fortune-hunters of English society used to take unlawful possession of heiresses. The capital penalty had been for several years removed from the felony of heiress-taking, when a young lady was kidnapped and married on the Scotch border under circumstances which made it a subject for regret that it was no longer possible for a judge to send her robber to the gallows. Her case is alluded to in the last chapter, but with no mention of its most atrocious features.

Some five or six and forty years from the present time Paris contained a coterie of English residents who called themselves 'the first society in Europe,' and in all sincerity believed themselves to be the politest and most charming people of the whole world. In this small clique of self-sufficient exiles there was no handsomer or cleverer gentleman than Edward Gibbon Wakefield. If an exception may be made to this statement, it should be recorded in favour of William Wakefield, who was not at all inferior to his brother in style, address, personal elegance, and wit. Nephews of Priscilla Wakefield, whose books for children were forty years since found in every English nursery and schoolroom, these brothers were members of a family remarkable for personal comeliness and mental quickness. In England they were persons of no great importance, but they had the air of being notable personages, and to

this air they were chiefly indebted for their position in 'the first society of Europe.'

Although Paris under Charles the Tenth was not the expensive place of residence that it became under Louis Napoleon, life in 'the first society of Europe' was costly, and the brothers Wakefield were in urgent need of money for the continuance of their career of elegant idleness, when it was suggested to Edward Gibbon, a widower with two or three children, that he had better replenish his purse by stealing a little girl, of considerable property and great expectations, from her parents in England. To do this he need not withdraw himself for more than a few weeks from his Parisian friends. The young lady whom it was proposed that he should appropriate was a pupil at the best boarding-school at Liverpool; could be approached without difficulty and carried off to Scotland, whence she could be transported to Paris almost before her father, a wealthy Lancashire manufacturer, could hear of her felonious removal from Miss Daulby's seminary. Three weeks, or at most a month, would be time enough for the achievement of an enterprise that would free the gentlemanly robber from pecuniary embarrassment, and place him in easy circumstances for the rest of his life. The scheme appeared so practicable, and was so perfectly accordant with the morals of 'the first society in Europe,' that Mr. Edward Gibbon Wakefield, after consultation with his brother and his adroit valet, Mons. Thevenot, determined to act upon it.

The thief, accompanied by his brother and valet, crossed the Channel, went to the North of England,

and spent a week or ten days in prying about Shrigley Park, Cheshire, the seat of William Turner, the heiress's father. Having satisfied himself that the prize would reward him for the trouble of capturing her, he proceeded to the accomplishment of his design. Selecting a time when Mr. Turner had gone to London on business, he sent his valet, Thevenot, in a well-appointed carriage, over to Liverpool, with a note addressed to Miss Daulby, the heiress's schoolmistress. The valet was instructed to represent himself to Miss Daulby as the servant and secretary of a physician named Armstrong, and was told, in case he should succeed in getting possession of the heiress, to convey her to Manchester, where he would be met by his employer. The note, addressed to Miss Daulby, purported to have been written by a physician then in attendance on Mrs. Turner, of Shrigley Park; and it represented that Mrs. Turner, being in urgent danger from a paralytic stroke, wished to see her only child as soon as possible. The patient's condition required that her daughter should return to her immediately. The note directed Miss Daulby to entrust Miss Ellen Turner, *ætat.* 15, to the physician's servant, who would convey her to her mamma at the quickest posting speed. The letter also enjoined Miss Daulby not to alarm the child by telling her of Mrs. Turner's illness.

A week later, the Lancashire mammas censured Miss Daulby very severely for allowing Miss Ellen Turner to leave the school for the homeward journey without a chaperon. If Miss Daulby could not have accompanied her, it was averred that she ought to

have caused one of her sisters, or a trustworthy governess, to attend the heiress to Shrigley Park, Cheshire. The schoolmistress was unquestionably guilty of remissness : and in the course of a few days she bitterly repented her want of caution. Mons. Thevenot's manner was so plausible and respectful, and his account of the circumstances which had occasioned his mission to Liverpool was so consistent with facts known to Miss Daulby, that it never occurred to her that the intelligent, deferential French servant was an heiress-snatcher's agent. She told her pupil that she must start immediately for her home, where her mamma required her presence. And in less than half-an-hour after his arrival at Miss Daulby's door, Mons. Thevenot, sitting in the rumble of the carriage that contained the little heiress, was posting at the rate of twelve miles an hour to Manchester.

At Manchester, where Edward Gibbon Wakefield met his servant according to agreement, Miss Ellen Turner saw for the first time in her life the man who had decided to marry her. The unsophisticated school-girl was agreeably impressed by his handsome face, elegant figure, benignant smile, and reassuring kindness. His musical voice and deferential air delighted the little damsel, by showing her that he did not think of her as child or school-girl, but as a lady entitled to respect and homage. The announcement that he in due course made to her was painful and startling ; but his sympathetic manner mitigated her pain, whilst the persuasive and gentle authoritativeness of his voice lessened her astonishment. It was his sad duty to tell her that her papa

was in great trouble, in serious difficulties,—in fact, was a bankrupt. The failure of two large banks had deprived him of all his money; and nothing could save him from ruin but his child's immediate compliance with a certain arrangement. Circumstances, of which there was no need to speak at length, required that he (Mr. Edward Gibbon Wakefield) should marry forthwith, and he could not be happy with any lady for his wife but Miss Ellen Turner, whom he had seen a few weeks since at a public promenade, and seeing had loved at first sight. He had spoken with Mr. Turner on the subject, and had offered to relieve him from his pecuniary difficulties by lending him 60,000*l.*, on condition that in acknowledgment of the loan Mr. Turner would give his daughter to the lender.

There seemed nothing impossible or improbable in this startling announcement to the poor child. Her small experience of life had taught her that Lancashire manufacturers often fell suddenly from wealth to indigence. Last half-year one of her favourite schoolmates had been removed from Miss Daulby's establishment, because her papa, a great mill-owner, had unexpectedly become insolvent. It occurred to her, also, that she herself had returned to school at the end of her last holidays without the customary cheque for Miss Daulby's bill, because her papa's account at his bank was unusually low. She remembered that her papa had then jocularly declared his inability to pay Miss Daulby's bill, and had predicted playfully that he too should soon become a bankrupt like her particular friend's papa. He must have spoken seriously what she had supposed him to

say in jest. As nothing had been told her of the story about her mamma's illness, her chief thought was for her dear papa—wretched, dishonoured, insolvent. Her next strongest thought was one of gratitude to this kind Mr. Wakefield, who loved her though she was penniless, and was ready to save her papa from ruin. To marry so pleasant and charming a gentleman would be no hard fate for the daughter who would thereby preserve her father's good name and happiness. Still, with due care for the social proprieties, she said, like a good girl, 'Dear Mr. Wakefield, you are very kind to me, and I think that I could learn to love you; and make you a good wife, though I am very young; but I may not marry you till I have seen dear papa, and heard from his own lips what he wishes me to do.'

Mr. Wakefield—delighted with the girl's gentleness, beauty, and discreetness—assured her that he had no wish whatever to make her his wife until she had spoken with her papa. They were on their way to Scotland, for a quick marriage; but she would be met at Carlisle by her papa, who would accompany her to Gretna Green. This assurance allayed whatever suspicions may have momentarily troubled the little damsel, who became eager to proceed with the journey to Carlisle, where she would see her father. Night came; and for the first time in her life she passed the hours of darkness without going to bed. All night the heiress and her raptor travelled at fastest posting speed towards the chief town of Cumberland, where she learnt that her papa had been thrown into prison after making two futile attempts to cross the border to Scotland. Her only way to

rescue him from his cruel gaoler, Mr. Wakefield told her, was to go on to Gretna Green, and become the wife of her rich suitor, who would not sleep till he had put her sire at liberty. At the same time she had received a letter purporting to have been written by Mr. Turner's solicitor, Mr. Grimditch, which desired her 'to show the same fortitude that her father had evinced on the occasion of his losses.' The forged note had the desired effect on the fifteen-year-old heiress, who determined to play the heroine's part, and for her dear papa's sake to proceed to Scotland.

Several circumstances of her transit through Carlisle roused the suspicions of the womankind of the Bush Inn, of that cathedral town. It appeared strange to the hostess of the Bush Inn that the lady in the travelling-carriage, bound for Gretna, did not herself order the horses for the last stage. It was singular that, though several minutes were spent by Edward Gibbon Wakefield in conferring with her and his brother at the door of the inn, she did not alight from the vehicle for refreshment. It was suspicious that Edward Gibbon Wakefield caused the blinds of the lady's carriage to be drawn over the windows, so that the loiterers about the tavern could not see the fugitive bride. It was still more suspicious that the same gentleman interposed and said 'No' peremptorily, when the hostess approached him and the prisoner in the chariot with a suggestion that the lady might like to enter the inn for a few minutes. Moreover, when the carriage-door was momentarily opened, the women of the inn were struck by the childish look and wretched air of the young lady.

But the suspicions of the Carlisle gossips did not delay the travellers, who went on to Gretna Green, where the faint, weary, terrified little girl was with her consent married, in the presence of John Linton, publican of the 'Gretna Hall' inn, and William Graham, post-boy\* to the thief who had kidnapped her.

From Gretna Green the robber carried off the scared school-girl to France, and on reaching Calais he opened negotiations with Mr. Turner, with a view to 'terms.' The demands of the gentlemanlike rascal were not exorbitant. He would be satisfied with an annual allowance adequate to his wants in 'the first society in Europe.' It is satisfactory to know that he failed to extort money from the outraged father, who managed affairs so cleverly that the thief was brought to trial in England, and eventually sentenced to three years' imprisonment in Newgate. Whilst

\* This postboy's evidence at the subsequent trial of the thief and his accomplices illustrates the rudeness and vulgarity of the Scotch weddings, at which some of the most fastidious belles of our proud aristocracy were united to their husbands. 'William Graham was present at the ceremony. Did not see anything particular in the lady. She behaved like other ladies. The parson performed the usual ceremony. The usual ceremony was to desire the bridegroom to embrace the bride.—*Counsel*. "Did the parson say that to Mr. Wakefield?"—*William Graham*. "Yes."—*Counsel*. "Did Mr. Wakefield do that?"—*William Graham*. "Yes. The bride behaved much the same as other ladies. She turned round as if partly to meet him with a kind of kiss, as may be.' The member of 'the first society in Europe' induced his victim to sit for a minute or two on his knee in the parlour of the 'Gretna Hall,' so that her demeanour, witnessed by the barmaid, and landlord, and postboy, might be adduced as evidence of her affectionate feeling for her robber, and of her consent to the wedding.

this choicest ornament of the most fashionable Anglo-Parisian coterie was undergoing proper discipline in Newgate, his brother was incarcerated for the same term in Lancaster Castle. A special Act of Parliament liberated the heiress from matrimonial bondage to her raptor.

## CHAPTER XVI.

## TWO ROYAL FLEET MARRIAGES.

It has been already stated that members of the Royal Family were exempted from the operation of Lord Hardwicke's Marriage Act. This exemption resulted in two of the most memorable Fleet marriages upon record, which occasioned a well-known enactment in restraint of the matrimonial liberty of the Princes and Princesses of the reigning house of Great Britain.

Told in the most simple language, the account of the earlier of those two weddings reads more like a chapter taken from a sensational romance than a piece of veritable domestic history.

At an early hour of the sixth evening of September, 1766, a young and lovely woman was sitting alone in a drawing-room of one of the stateliest mansions of Pall Mall. The house was the town-residence of Maria, Countess-Dowager of Waldegrave, widow of James the 2nd Earl of Waldegrave. The solitary occupant of the room was the Countess, who, though she was the mother of three children and had been a widow for about three years, was still in the flower and freshness of the girlish beauty that seven or eight years before had won for her the passionate love of a rich and powerful earl. She

was scarcely more remarkable for her personal endowments than for her wit, the sweetness of her disposition, and the achievements of her nearest ancestors. Daughter of Sir Edward Walpole, K.B., granddaughter of the famous Whig statesman, and niece of the elegant and scholarly Horace Walpole, she was a gentlewoman to whom princes of the blood might render homage without any great condescension. She was the same Lady Waldegrave whose brief retirement from society, after the celebration of her wedding, helped to establish, if it did not originate, the fashion of honeymoon trips.

The Countess of Waldegrave, on the evening already named, did not pass many solitary minutes in her drawing-room before a well-looking gentleman, whose slight figure and comely face entitled him to be described as a handsome boy, approached the lady and saluted her with affectionate respectfulness and familiarity. These two young people were lovers. They had loved each other for many months. But they deemed it requisite, for reasons of public policy and for the domestic harmony of the Royal Family, that their attachment should be revealed to the smallest possible number of persons. They had agreed to marry, and had decided that their union should be withheld from the knowledge of all the world, with the exception of the clergyman who had promised to solemnize their union, and perhaps a single servant of whose secrecy and faithfulness the Countess was assured.

Ten minutes later a third person, in accordance with a pre-appointment, entered the room in which the young Prince William-Henry, Duke of Glou-

cester, and brother of the reigning sovereign, was closeted with the woman to whom he was on the point of binding himself in clandestine wedlock. This third person was a clergyman, in the garb of a priest of the English Church—the Rev. Robert Morton, one of the Countess of Waldegrave's domestic chaplains, who bore in his hand the Book of Common Prayer, and proceeded at once to do the work for which he had been invited to the presence of royalty. It was a scene for the stage. The bride was still a girl in appearance; the boyish bridegroom was still in his twenty-fourth year; the altar was a buhl-table, littered with knick-knacks and the volumes of the last new novel; the clergyman was a courtly ecclesiastic, who had hopes of a deanery or a mitre as his fee for officiating at the secret ceremony. The time was between 7 p.m. and 9 p.m.; and the curtained drawing-room that for the occasion did duty as a chapel was lighted with a few tapers.

The ceremony did not occupy many minutes; and when it was over no memorandum of the event was made on paper. The Prince had resolved that no record should exist, which by falling into the hands of an enemy might disclose inopportunately the transaction of the evening. He was an honest, if not nicely honourable, young man, but suspicious and fearful; suspicious of the persons by whom his secret was necessarily shared, and fearful of the consequences of its exposure. The Reverend Robert Morton would be less likely to be troublesome, if the wedding were an occurrence of which he could offer no evidence but his bare assertion. In a mo-

ment of weakness Lady Waldegrave would be less likely to reveal to her uncle Horace or her sisters the secret of her royal alliance, if she could not support the statement with a scrap of written testimony.

There are no grounds for supposing that the Countess; in her desire to guard her secret from discovery, selected for the clerical duty at her clandestine marriage a clergyman whose failing health caused her to think that he would not be long in this world. Death, however, soon deprived the priest of the power to be treacherous. No long time had elapsed since the furtive union when the Duke had the satisfaction of knowing that the only person present at the unrecorded wedding, besides its two principals, was reposing in the silent grave.

The time came when the young Prince bitterly regretted the pains he had taken to be as far as possible the keeper of his own secret. But for a while things went pleasantly enough with him,—a bachelor to all the world except his conjugal partner. It was, of course, known in the royal circles and the world of fashion that he passed much of his time at a certain mansion in Pall Mall, and that the closest intimacy existed between him and the lady of the house. Of course, people gossiped about the lovely widow and her enamoured prince in a manner discreditable to the lady, but greatly justified by circumstances. Some wiseacres could say on the best authority that the lovers were secretly married; other *quidnuncs*, more sceptical and less amiable, were only sure that the young people ought to be married. It was against the lady, in the opinion of

the censorious, that she appeared to admit the Prince to every familiarity to which no one but her husband could have a claim. It was in her favour that her kindred of both sexes and the discreetest gentlewomen of the great world were as intimate with her as they had ever been. Five whole years passed thus before the Duke of Gloucester ever admitted to any man that he was the husband of the woman with whom rumour had associated him with suggestions very hurtful to her honour. But in October, 1771, being severely ill at Leghorn, and believing himself to be on his death-bed, Prince William Henry told his two equerries that he had married the Countess of Waldegrave in the September of 1766, and enjoined them that, in case of his death, they should use his declaration for the restoration of the lady's good name. The event, however, which would have caused the equerries to enlighten society respecting the intercourse of the Prince and his wife did not take place. The Duke recovered from his illness, and for another year and half the great world was left to guess and question whether the honour of the Walpoles had been tarnished by the fairest of their womankind.

The Countess, it is true, under strictest seal of secrecy, confessed, on March, 1772 (the year in which the Royal Marriage Act was passed), to the Bishop of Exeter, that she was the Duke of Gloucester's wife. But it was not till the May in the following year, when the Countess-Duchess was on the point of giving birth to a child,—the first offspring of her union with the Prince,—that measures were publicly taken to clear her honour of shameful imputation.

Prince William Henry, at the instigation of paternal concern for the expected infant, who, if legitimate, might live to wear the crown of Great Britain, had in the previous year gone to his brother the King, and told him the truth.' On recovering from his first surprise, George the Third asked his brother for the proofs of the marriage,—the matrimonial certificate and other evidences,—in order that they might be duly recorded in the archives of the Privy Council. The Duke of Gloucester was compelled to admit that there existed no single scrap of documentary evidence that the marriage had ever been solemnized. The King replied that the witnesses must be summoned at once to certify that the wedding had taken place at the alleged time and house. The Duke regretted that there had not been a single witness of the ceremony, with the exception of the principals in the affair, and the officiating chaplain. 'Send for the chaplain at once,' said the King, whose good sense assured him that the principals in a wedding could not be accepted as legal witnesses of the fact. Pale with agitation, the Duke replied, 'He is dead.'

In every particular of its irregularity,—the want of a license and neglect to publish banns, the privacy and profaneness of the place, the 'uncanonical hour, the absence of witnesses,—the marriage had been a Fleet marriage. The legal quality of the wedding was not affected by the social rank of the wedded persons, or by the fact that it was effected west of Temple Bar. Half the Fleet marriages of the commonalty had been solemnized in places beyond the boundaries of the Fleet quarter. The

nuptial celebrations of the Mayfair Chapel had been as truly Fleet weddings as any of the unions formerly solemnized within the very walls of the prison. But in one most important particular the wedding of the Duke and Countess was more irregular and scandalous than any ordinary 'coupling' done in a tavern bar-room by a tippling varlet in a tattered cassock. The lowest reprobate of the Fleet clergy always kept records of the marriages which he solemnized, so that something like legal evidence of the solemnization should be afterwards attainable. But whilst setting at nought the orders of the church, this prince of the blood royal and this peeress of noble lineage had failed to observe the chief requirement of the law of civil marriage. They had been married (at least, they said so) by declaration in the absence of witnesses. At best their mutual declaration had been made in the presence of only one witness, who was not alive to testify to the unrecorded contract. They had made an agreement, without creating the requisite evidence of the compact. Their statements concerning the affair—its time, place, circumstances—were without a tittle of corroborative testimony.

The Duke and Countess-Duchess of Gloucester had been married a little more than five years when another irregular marriage took place in the royal family. On October 2, 1771—the very same month in which Prince William Henry revealed the fact of his marriage to his equerries at Leghorn—the drama of the drawing-room in Pall Mall was re-enacted in a drawing-room of a mansion in Hertford Street, between the hours of 6 p.m. and 8 p.m. The prin-

cipals of this second royal Fleet marriage were George the Third's brother, Henry Frederick, Duke of Cumberland, and the Honourable Anne Horton, widow of Major Christopher Horton, of Calton Hall, Derbyshire. Like the Countess of Waldegrave, Mrs. Horton was a lady of good family, great beauty, and considerable possessions. The daughter of Lord Irnham, subsequently raised to an earldom in the peerage of Ireland, the Honourable Anne Luttrell was a supremely beautiful creature at the time of her first marriage; and her personal attractiveness was but little, if at all, diminished when she was united, without banns or license, in irregular wedlock to the young Duke of Cumberland, who at the time of the wedding was still in his twenty-fifth year. Like his brother Gloucester's marriage, the younger Duke's nuptials were solemnized in the bride's house; but more prudent than Lady Waldegrave, perhaps rendered prudent by what she had heard of doubts respecting the evidence of the Duchess of Gloucester's marriage, Mrs. Horton had induced her sister, the Honourable Elizabeth Luttrell, to be present as a witness at the secret wedding, and had caused the Reverend William Stevens, clerk, Fellow of St. John's College, Cambridge,—the clergyman who celebrated the wedding in Hertford Street,—to make a memorandum of the occurrence. When his brother Cumberland's matrimonial arrangement came to the King's knowledge, soon after the Duke of Gloucester had brought his domestic case under His Majesty's consideration, the King saw at a glance that Mrs. Horton's position differed materially from Lady Waldegrave's. The former lady had suffi-

cient legal testimony of her royal alliance, the latter had none.

Had she been an actress or plebeian adventuress, it is certain that the Duke of Gloucester's wife would not have been recognized as a member of the royal family. In the total absence of proof of her marriage, she would have been declared the Prince's mistress, and her progeny would have been adjudged illegitimate. But Lady Waldegrave was no upstart who had thrust herself into the royal circle by the arts of an intriguer. She was a child of the family to whom the House of Hanover was immeasurably indebted for their support of the Whig cause. Robert Walpole's granddaughter could not be treated with indignity. Had George the Third put an affront on her, not a few of the proudest and most powerful chiefs of the aristocracy would have resented it as an insult offered to themselves. The King never for a moment proposed to deal contemptuously with her claim to be acknowledged as his sister-in-law. But at first he could not see how he could give legal validity to a marriage that was absolutely devoid of legal evidence.

After much deliberation, the difficulties of the case were disposed of in an ingenious manner. The Lord Chancellor, the Archbishop of Canterbury, and the Bishop of London were taken into the Sovereign's confidence; and they consented to act as commissioners for inquiring into the evidence of the two irregular marriages, and reporting whether they ought to be regarded as legal unions. Should their report affirm the sufficiency of the marriages, a record of the weddings could be entered in the books of the

Privy Council, and be used as a conclusive answer to any political busy-bodies who at any future time should question the legitimacy of the Duchess of Gloucester's children. It would be well that the two cases of irregular matrimony—the provable case and the one of which there was no legal testimony—should be thus linked together to form the subject of a single investigation. The legal evidence of the one would give a legal colouring to the moral evidence of the other.

The Commissioners did their delicate work most satisfactorily. They called at Gloucester House, and received Prince William Henry's solemn declaration\* that he was wedded to his lady at the time and place and under the circumstances already mentioned. They took the evidence of Lieutenant-Colonel Rainsford, who testified that the Duke, believing himself to be on his death-bed, had, at Leghorn, confessed to the deponent that he was Lady Waldegrave's husband. They also recorded the Bishop of Exeter's evidence that the Countess had confessed to him (March 1, 1772) that she was married to the Duke of Gloucester in 1766. Having thus gathered all the testimony of the elder Duke's marriage, the Commissioners proceeded to the case of his younger

\* 'I, William Henry, Duke of Gloucester, do declare most solemnly, that I was married to Maria, Countess-Dowager of Waldegrave, on the sixth of September, one thousand seven hundred and sixty-six, between the hours of seven and nine in the evening, at her house in Pall Mall, by Robert Morton (since deceased), one of her domestic chaplains, according to the form of the Church of England, and that no other person was present.—William Henry.'—*Vide* 'Proofs of the Marriages of their Royal Highnesses the Dukes of Gloucester and Cumberland.'

brother, of which there was no lack of testimony. The Duke of Cumberland's declaration\* was supported by the depositions of the Reverend William Stevens, who had solemnized the wedding, and of Miss Luttrell, who had witnessed it. There was also the memorandum drawn immediately after the ceremony by the officiating clergyman. Putting the two sets of depositions together, the Commissioners had no hesitation in declaring their opinion that both dukes were married in accordance with their allegations. The Commissioners' Report, together with the evidence, was transcribed into the archives of the Privy Council. The marriages of the two dukes were also entered in the same collection of momentous records; and henceforth there was legal testimony—or, rather let us say, adequate testimony for legal purposes—that Prince William Henry and his Duchess had been married on September 6, 1766. The Commissioners accomplished their task expeditiously, but none too soon for the peace of mind of the Duchess of Gloucester, whose daughter, Sophia Matilda—the eldest of the three children whom she gave to her royal husband—was born May 29, 1773, just eight days after the Duke made his formal

‘I, Henry Frederick, Duke of Cumberland, do solemnly declare that I was married to the Honourable Anne Horton, widow, on the second day of October, one thousand seven hundred and seventy-one, in the afternoon, between the hours of six and eight, at the house in Hertford Street, by William Stevens, Clerk, Fellow of St. John's College, in Cambridge, according to the rites and ceremonies of the Church of England, in the presence of the Honourable Miss Elizabeth Luttrell; no other person being present.’—*Vide* ‘Proofs of the Marriages of their Royal Highnesses the Dukes of Gloucester and Cumberland.’

declaration of his marriage. The number of George the Third's progeny rendered it very improbable that this little princess would inherit the Crown; but it was possible that, child though she was of a Fleet marriage, she might live to wield the British sceptre, her father being next in succession to the throne after the reigning sovereign's children.

The doubts respecting the validity of the Duke of Gloucester's wedding, and the conflicting stories about its celebration, were the staple of dinner-table talk throughout the country for many days before and after the Commissioners, smoothing over a very ugly transaction, recommended that the union should be recorded in the Privy Council books as an actual and satisfactorily established marriage.

It was a time of sharp excitements for Horace Walpole, whose vanity was inexpressibly gratified by the prospect of seeing his niece figure at court as Her Royal Highness, and whose sensitiveness for the honour of the Walpoles was acutely wounded by the general opinion that, at best, her marriage was little better than no marriage, since there was no witness or evidence that it had taken place. Instead of receiving congratulations on his favourite niece's 'elevation,' the man of letters and fashion encountered at every turn ladies who offered to condole with him on her 'very painful position.' They hoped things would, in the end, turn out less afflictingly than they seemed likely to do. Of course they should always regard their dear Maria as a Royal Duchess, and never suffer an evil thing to be said of her; but still, in the eye of the law, of course there was no marriage if there was no proof of its solem-

nization. They quite understood that princes of the blood might make Fleet marriages, or even marry by mere *declaration*. But, unfortunately for dear Maria, there was no proof that the Duke of Gloucester had made any kind of marriage in 1766 ; and as to declarations, why, he had never declared himself a husband before his illness at Leghorn.

In his fury Horace Walpole wrote a letter to Sir Horace Mann, in which, after announcing the birth of 'a princess,' he derided the malignity of 'the goodnatured part of the Duchess's sex,' and comforted himself by reflecting that 'Envy was no lawyer,' and that 'the noise of those who repine at the Duchess's *exaltation*' revealed their conviction that her marriage was indissoluble. But, for once, Envy was a good lawyer. The old common law, as Horace Walpole observed, did not require witnesses for the performance of matrimony ; but, as Envy remarked with equal correctness, the law required witnesses or evidence of some kind from those who would prove that a particular marriage had taken place at a particular time.\*

'Arlington Street, May 29, 1773.

'The Duchess of Gloucester was delivered of a Princess this evening ; so even their holidays are taken from the Stuarts. The marriages of the two royal dukes, at the request of His Highness of Gloucester, have been authenticated this week. The King sent the Archbishop, the Chancellor, and the Bishop of London, this day se'nnight, to *examine the proofs* (!), and report them with their own opinions. They declared themselves fully satisfied with the validity of both marriages, made their report in full council before the King last Wednesday, and the depositions were entered in the Council-Books.

'You will be surprised, after this account, that the good-natured part of the Duchess's sex has opened its triple mouths to

The poor Countess-Duchess derived less gratification than her uncle from her royal alliance. She was called Duchess and Royal Highness; her children were princely; she lived to see her son a royal duke; but she endured the extreme mortification of knowing that her marriage had brought discredit on the august family to which she had been raised, and had even lessened the respect for the family from which she had sprung. Her husband felt acutely the stigma placed upon his alliance by the Royal Mar-  
question the legality of the Duke of Gloucester's marriage, because there were no witnesses. The law of England requires none. The declaration of the parties is sufficient.' (No doubt! But the question was, whether the declaration had ever been made?—Ed.) 'The Duke (on his death-bed, as he believed at Florence), declared it to Colonels Rainsford and Heywood, who have taken their oaths of it, and the Duchess had owned it to the Bishop of Exeter, which he has attested in like manner; but Envy is no lawyer. The Duke was advised to be married again with the King's consent, but he had too much sense to take such silly counsel, though the King would have allowed it. The Duke, however, submitted to the King's pleasure, if it should be thought necessary, though fully satisfied himself with the validity. The King sent him word by the Archbishop, that, as His Royal Highness was satisfied, and as His Majesty had heard no objection to the validity, he did not think any further steps necessary. In fact, the noise of those who repine at the Duchess's exaltation is a proof that they are convinced that her marriage is indissoluble.'

Horace Walpole had better have held his tongue. He was only calling attention to the fact that the nuptial ceremony, said to have taken place in 1766, could not be legally proved to have taken place. The Duke's statement in 1771, and the Duchess's statement in 1772, are no legal evidence of the fact, but only testimony that the two principals of the alleged wedding wished it to be believed that they were then married. Of their marriage by a clergyman of the Church of England there was no better evidence than their bare declaration. The proof of their marriage by declaration dates from the time when they can be proved to have declared themselves husband and wife.

riage Act, which was passed to prevent descendants of George the Second from following his indecorous example. He was also cut to the quick by his eldest brother's enduring displeasure, and by the slights offered him by several of the chief personages of English society, who resented his marriage as an affair that had, at least in their estimation, lowered royalty in the eyes of the nation. To escape from insults to which he could not reply, and other consequences of the Sovereign's anger, the Duke went abroad; and the Duchess accompanied him, to witness his sufferings, to which the civilities of foreign courts could not put an end. One of the saddest letters to be found in all the Walpole Correspondence, is an epistle in which the Duchess—who loved her husband thoroughly—expressed her concern for the Prince's failing health and the annoyances that his union with her had brought upon him.

It is strange that Horace Walpole derived satisfaction from what he persisted in calling his niece's 'exaltation.' His letters overflow with evidence of the snobbish delight that his domestic connexion with royalty afforded him. He never put pen to paper without seizing every occasion to refer to 'the duchess' 'her highness,' 'her royal highness,' 'their royal highnesses,' 'their RR.HH.' Sometimes, with a fervour that must have reminded his correspondent of a familiar French maxim, he affected to disclaim his 'paltry connexion with royalty,'\* and begged that he

\* Writing to the Reverend William Mason, January 14, 1774, Horace Walpole said, 'Do not imagine my paltry connexion with royalty has changed me. I despise it, lament it,—did my utmost

might not be thought capable of exulting over a matter which he 'despised' and 'lamented,' and had 'done his utmost to prevent.' But the whimsical letter-writer's delight in his roundabout royalty contained an alloy of shame for the circumstances of the event on which he prided himself inordinately. Every year, added to the eighteen which had elapsed since the parliamentary prohibition of irregular marriages before the public declaration of the Duke of Gloucester's wedding, increased the general contempt for Fleet marriages. Every fresh year, therefore, strengthened the public disposition to think Lady Waldegrave's second marriage a disreputable affair, and aggravated the uncle's dislike of the Chancellor whose measure had abolished lawless matrimony. The virulence and astounding inaccuracy with which he wrote about Lord Hardwicke and his Marriage Bill, exhibit the nature of the writer's disapproval of the enactment which made his royal alliance contemptible.

to prevent it,—and am hated by those who are angry at it, and by *him* whom I would not humour in it. I have braved the King's resentment, and am ill-used by the Duke, whom I would not encourage. It is not for him I fear, but my poor niece.' Prince Horace's fervid assurance that *his* exaltation had not changed him is deliciously comic.

## CHAPTER XVII.

## THE ROYAL MARRIAGE ACT

BUT though he exerted himself to give legal validity to the Duke of Gloucester's marriage, George the Third determined that he should never again be called upon to do the same service for a prince of the royal blood.

The Sovereign's conduct with respect to the Royal Marriage Act has been greatly misrepresented, as though his displeasure at his brothers' irregular marriages was altogether due to his royal insolence, and disdain for mere nobility. No doubt he would not, under any circumstances, have received with alacrity Lady Waldegrave and Mrs. Horton into the family of which he was the chief. But his anger was at the circumstances of the weddings, rather than at the social quality of the brides. He was reasonably indignant that his own brothers should have solemnized their marriages in a way which the legislature had forbidden to the generality of his subjects, and which the Church had for centuries denounced as impious, and had prohibited to her members of every degree. He was thankful that the case was not worse ; that the princes had married gentlewomen, instead of any of the opera-dancers or demireps whom they might have made their lawful wives by hole-

in-the-corner matrimony. It was not to be endured that a prince, or, for the matter of that, a princess, might, without the permission or knowledge of the royal family, achieve worldly shipwreck by a kind of marriage from which the children of simple gentlefolk, or humble artizans, were considerably debarred. Since members of the royal family had been exempted from the operation of Lord Hardwicke's Marriage Act, the King was bent on procuring an amendment of the law which should preserve princes and princesses from the evils of clandestine wedlock, even as spouses of all the inferior social grades were protected from them. The Sovereign's demand for this change, and the urgent need which justified the demand, were the answer to Lord Hardwicke's maligners, and the vindication of his great social reform.

Once before, in the annals of our Hanoverian sovereigns, the question of the King's right to control the marriages of members of the royal family had come under public consideration. In the heat of contention with the Prince of Wales, George the First had asserted his prerogative to regulate the education of the Prince's children, and to determine questions concerning their matrimonial settlement. He required his judges to decide whether the law concurred with his assertion. Nine of the judges answered in his favour, in opposition to two members of the judicial bench, who, whilst admitting that the approbation of royal marriages pertained to the Crown, maintained that the Prince should have the custody and control of his offspring. The opinion of the nine judges, it must be admitted, was not ade-

quately sustained by cases to the point. But George the First's claim was harmonious with the usages of domestic life in feudal England, and with the authority accorded by custom to our sovereigns in old times with respect to marriages of persons in the line of succession to the crown. In James the First's reign, Lord Chancellor Ellesmere decreed that the Countess of Shrewsbury's part in the marriage of the King's cousin, Lady Arabella Stuart, was a great misdemeanour, and that for declining to answer questions about it she should be fined 20,000*l*. The abolition of the Star Chamber deprived the sovereign of the power to punish with fine and imprisonment persons guilty of compassing royal marriages, which, though valid notwithstanding the absence of the King's consent, were grave offences against the dignity and functions of the throne. In losing the means for enforcing and protecting his prerogative, with respect to the matrimonial alliances of his family, the Sovereign had not, in the opinion of the nine judges, lost the right. Much, of course, could be urged against this view. But the deliberate verdict of the nine judges, recorded in the books of the Privy Council, afforded George the Third good constitutional ground for demanding the legislature's recognition of his right to a voice in the matrimonial doings of his grandfather's descendants.

Nor can it be said that the Royal Marriage Act asserted that right too boldly, or invested the Crown with excessive powers. It is generally imagined that the measure was framed to gratify the King's despotic temper, and to prevent members of the royal family from making suitable and orderly

matches with members of the English nobility. There is nothing in the enactment to account for this misconception. The purpose of the Bill was to enable the Sovereign to restrain our princes and princesses from injuring themselves and discrediting their family by disgraceful or obviously unbecoming wedlock. Its language gives the Crown no exorbitant power. It is a mistake to suppose that the statute has made it impossible for a prince or princess of the royal blood to contract valid marriage without the consent of the Sovereign.

The first section of the Act, no doubt, declares that no descendant of George the Second (other than the issue of Princesses who have married or may hereafter marry into foreign families) can contract valid matrimony without the permission of the Crown. But this restriction on the matrimonial liberty of our princes and princesses is qualified by the second section of the statute, which provides that any prince or princess, being twenty-five years of age, and bent on contracting a marriage disapproved of by the Sovereign, may, in spite of such disapproval, solemnize the marriage on the expiration of twelve months from the day on which he or she shall have given notice of his or her purpose so to marry, provided that in the meantime *both* Houses of Parliament shall not have expressly forbidden the proposed union.

The last of our royal marriages has strengthened the general opinion that our universally beloved Queen is not likely to abuse the power accorded to her by the Royal Marriage Act, to the needless annoyance of her children, or to the dissatisfaction

of her subjects. To suggest, even for a moment, and for the sake of an illustration, that our present Sovereign, whose goodness in private life accords with the excellence of her public career, may at some future time be deficient in considerateness for the happiness of any member of her family, would be to stir the indignation of every reader of this page. But let us imagine that Prince Alfred were to desire for himself a marriage which, though not inconsistent with the dignity of the Crown and the interests of the nation, should be one so likely to occasion him unhappiness that the Queen should feel herself bound by maternal duty to do her utmost to prevent it; in this case, on receiving the requisite notice of her son's wishes, she would decline to sanction the proposal, and at least for one year her refusal of consent would render the marriage impossible. But if the Prince should resolve to persist in his purpose, notwithstanding his mother's opposition, it would still be possible for him to please himself in the matter. He would, immediately on the Queen's refusal of consent, at once give notice to the Privy Council of his desire to contract the marriage disapproved of by the Crown. The affair would then become a matter of notoriety and general discussion. Having more regard for the interests of the nation than the merely private feelings of the Queen, society, whilst lamenting the dissension in the royal circle, would probably refrain from opposing the Prince's wishes. It might question his judgment and censure his want of filial dutifulness; but it would be very reluctant to forbid an alliance not likely to occasion public harm or inconvenience.

The affair would of course be debated in the great council of the realm. But it is not at all probable that, in the present century, both Houses of Parliament would render it impossible for the Prince to solemnize a marriage against which nothing of importance could be alleged but that it lacked the approval of the Crown. On the expiration of a year from the date of his notification to the Privy Council the Prince would, in the absence of Parliamentary prohibition, be as free as any commoner to marry according to his pleasure. \*

\* There are current so many erroneous notions respecting the Royal Marriage Act, that my readers will like to peruse the *ipsissima verba* of the statute, 12 Geo. III. c. 11, 'An Act for the better regulating the future Marriages of the Royal Family. Most gracious Sovereign, whereas your Majesty, from your paternal affection to your own family, and from your royal concern for the future welfare of your people, and the honour and dignity of your crown, was graciously pleased to recommend to your Parliament to take into their serious consideration whether it might not be wise and expedient to supply the defect of the laws now in being, and, by some new provision, more effectually to guard the descendants of his late Majesty King George the Second (other than the issue of Princesses who have married, or may hereafter marry, into foreign families) from marrying without the approbation of your Majesty, your heirs or successors, first had and obtained : we have taken this weighty matter into our serious consideration, and being sensible that marriages in the Royal Family are of the highest importance to the State, and that therefore the kings of this realm have ever been entrusted with the care and approbation thereof ; and being thoroughly convinced of the wisdom and expediency of what your Majesty has thought fit to recommend upon this occasion, we, your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, do humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice of the Lords Spiritual and Temporal, and Commons, in this present Parliament as-

Hence it appears, that whilst it preserves the youthful members of the Royal Family from the miseries of hasty and flagrantly imprudent matri-

sembled, and by the authority of the same, that no descendant of the body of his late Majesty King George the Second, male or female (other than the issue of Princesses who have married, or may hereafter marry, into foreign families), shall be capable of contracting matrimony without the previous consent of his Majesty, his heirs or successors, signified under the Great Seal, and declared in Council (which consent, to preserve the memory thereof, is hereby directed to be set out in the license and register of marriage, and to be entered in the books of the Privy Council) ; and that every marriage or matrimonial contract of any such descendant, without such consent first had and obtained, shall be null and void to all intents and purposes whatsoever. II. Provided always, and be it enacted by the authority aforesaid, that in case any such descendant of his late Majesty King George the Second, being above the age of twenty-five years, shall persist in his or her resolution to contract a marriage disapproved of, or dissented from, by the King, his heirs or successors ; that then such descendant, upon giving notice to the King's Privy Council, which notice is hereby directed to be entered in the books thereof, may, at any time from the expiration of twelve calendar months after such notice given to the Privy Council as aforesaid, contract such marriage ; and his or her marriage with the person before proposed and rejected may be duly solemnized without the previous consent of his Majesty, his heirs, or successors ; and such marriage shall be good as if this Act had never been made, unless both Houses of Parliament shall, before the expiration of the said twelve months, expressly declare their disapprobation of such intended marriage. III. And be it further enacted by the authority aforesaid, that every person who shall knowingly and wilfully presume to solemnize, or to assist or to be present at the celebration of any marriage with any such descendant, at his or her making any matrimonial contract, without such consent as aforesaid first had and obtained, except in the cases above mentioned, shall, being duly convicted thereof, incur and suffer the pains and penalties ordained and provided by the Statute of Provisions and Præmunire, made in the sixteenth year of the reign of Richard the Second.—*Vide* 'Statutes of the Realm.'

mony, and gives them safeguards against designing adventurers, similar to the protection afforded by other legislative orders to the young people of less exalted families, the Royal Marriage Act neither places any barbarous restrictions on the matrimonial liberty of our princes and princesses, nor puts any improper obstacles in the way of their matrimonial settlement in the families of Her Majesty's subjects. There are no facts to justify the outcry which is from time to time raised against the statute, as though it were an unnatural contrivance for excluding a few exalted persons from domestic happiness, and sacrificing their innocent affections to humour the caprices of legal insolence. Its repeal, unaccompanied with fresh legislation for the protection of those whom it is supposed to afflict, would be perilous to the influence of the highest family of our aristocracy, and very hurtful to its younger members. The privilege of making valid Fleet marriages with women whom they would blush to marry openly is not a license that any friend of the English throne would like our princes to possess.

## CHAPTER XVIII.

## MARRIAGE WITH DECEASED WIFE'S SISTER.

I SHOULD quit the province of the social annalist, and enter the field of political controversy, were I to offer any opinion respecting the general arguments of those social reformers who in these later years have repeatedly urged the legislature to legalize marriage with a deceased wife's sister. It behoves me, therefore, in this work of social illustration, to refrain from passing judgment on the considerations that favour or discountenance the wishes of those many persons, who would bring about an alteration of marriage law that would enable the widower to contract valid matrimony with the sister of his dead wife. On the other hand, I should be guilty of a reprehensible omission, were I to make no reference to a practice by which several of my fellow-countrymen have vainly endeavoured to avoid the canonical and parliamentary rule which places his deceased wife's sister in the list of the persons whom a widower cannot wed lawfully.

Seeing that, though irregular marriages were *ipso facto* null and void in the case of English spouses performing them on English soil, the same kind of matrimony was valid to English persons who thereby assumed the conjugal relation in Scotland, where the ancient law of civil marriage still prevailed, certain

persons, bent on violating the law against marriage with a deceased wife's sister, inferred that the particular wedlock on which they had set their hearts would be valid and lawful to them, if it were solemnized in a country to whose citizens it was permitted.

Though it appeared reasonable to people having no tincture of legal knowledge, this inference was altogether illogical. Whilst suppressing irregular marriage in England and Wales, the imperial legislature had left the old law of civil marriage unaltered in all other parts of the empire. By the very terms, which it employed to limit the suppression to one region of the united kingdom, the law declared the validity of irregular marriages in Scotland and in British territories beyond the seas. Yet more, whilst depriving English subjects ordinarily resident in England of their ancient right to marry *in* England, without the intervention of the priest and in profane places, the legislature had never taken from them their ancient right to marry irregularly in Scotland. The English spouses, therefore, who joined hands at Gretna Green, were married by a kind of wedlock allowed to them by the ancient common and recent statute law. The case was very different with the English spouses who sought in Altona the same validity for wedlock within the prohibited degrees, that Gretna afforded to the irregular weddings which the law had never forbidden, except in England and Wales. In their lawless proceeding the Gretna Green lovers actually complied with the requirements of the law. The Altona spouses, on the contrary, by marrying at that place, within a degree of affinity

prohibited by our legislature, disobeyed the law. They contracted a union which English law declared to be something other than holy wedlock. Our law, rightly or wrongly, thus stigmatized this kind of contract without any exceptions of persons or localities. That being the case, the law would have stultified itself by seeing legality in a contract which, in the case of British subjects, it had declared to be no marriage, merely because the contract had been entered upon in a country which regarded it as marriage. The invalidity of a marriage solemnized in a foreign land by an English subject with his deceased wife's sister, was declared in the final judgment of *Brook v. Brook*. But that famous decision has not put a stop to the Altona marriages. Every year adds to the number of English couples who, without bringing upon themselves social obloquy or losing in any great degree the sympathetic consideration of their neighbours, contract marriages which our law has not hitherto recognized.

Year after year, as the invalidity of marriage with a deceased wife's sister is brought under the consideration of parliament by reformers who desire that matrimony to be rendered lawful, directors of public opinion assert by speech or writing that the widower's disability to marry his deceased wife's sister is consequent on the statute 5 and 6 Wm. IV. c. 54, commonly called Lord Lyndhurst's Act. And whilst making this statement, which has a faint colour of truth, they use language which occasions inferences that are altogether erroneous. It is a fact that, in time prior to Lord Lyndhurst's enactment, a widower might make this prohibited marriage, and

that the secular law regarded it as valid matrimony, until it had been annulled, *i.e.* declared no marriage, by an ecclesiastical court. But it is an error to suppose that in this respect marriage with a deceased wife's sister differed from other spurious weddings, within the prohibited degrees accepted by the secular law in Henry the Eighth's time (32 Henry VIII. c. 38), as degrees of blood and affinity within which matrimony was forbidden by the Divine law.

In ancient time when the Church had, with the laity's consent, undertaken the control of matrimonial affairs, the secular authorities left it to her to distinguish between righteous wedlock and spurious marriage, and assumed the legality of every matrimonial contract which she had not by a judgment on the particular case declared to be no marriage. If two persons in Catholic England contracted a marriage forbidden by the spirituality, it devolved on the Church, and the Church alone, to inquire into the matter; and until an ecclesiastical court had annulled it, the temporal powers were compelled to assume its lawfulness. The union might be no mere infringement of an artificial restriction on matrimony, but an execrable offence. Even in such an extreme case no secular judge could stir in the matter without bringing upon himself the anathema of the Holy Church, into whose province he intruded. The people were all the more content that this should be so, because the clergy were not disposed to connive at any unauthorized violations of their laws in restraint of marriage. Even in the days of ecclesiastical corruption, when the rich libertine might buy a dispensation from almost any of the Church's non-

scriptural prohibitions of marriage, no man, however powerful, was allowed to marry and live at peace with a near cousin, until he had bought the ecclesiastical permission to do so. The more corrupt the Church became, the more vigilant she grew against perpetrators of spurious wedlock. She insisted that men of all degrees should observe her rules about marriage,—either by wedding in compliance with them, or by paying handsomely for special relaxations of them. Whilst the clergy, instigated by self-interest as well as sincere concern for social morality, kept a sharp look-out for offenders against the matrimonial canons, and were in this matter effectively supported by pious laymen and malicious gossip-mongers, society had no reason to complain of the popular propensity to false marriage, or of clerical inattention to its perpetrators. The faults of the Church, in this department of her duties, were not those of remissness and apathy. She was, as we shall see in the final chapter of this work, much more ready to discover evil where it did not exist, than to overlook the evidence of it.

The reformation of the Church having been effected without the abolition of the spiritual tribunals, her law courts retained their old jurisdiction in affairs pertaining to marriage; and the secular authorities persisted in their old practice of assuming the validity of every wedding that had not been declared a nullity by an ecclesiastical judge. In the phraseology of lawyers, unscriptural marriages were not void *ab initio*, but voidable by decree of a spiritual court. The verbal inconsistency of legal dogmatists on this point is amusing. Though unscriptural mar-

riages were not void *ab initio*, but only voidable by a judicial sentence, the decree of nullification, by which the ecclesiastical judge extinguished an unscriptural marriage, was in effect a declaration of its nullity and absolute voidness from the beginning. In this respect the ecclesiastical nullification of a marriage differs from the modern divorce from the bond of matrimony, with which it is usually confounded. The modern divorce *a vinculo matrimonii* puts an end to a marriage that was in the first instance good. The old ecclesiastical decree of nullification merely put an end to the appearance of a marriage that had never been anything more than an appearance. In justice to the secular lawyers, however, it must be admitted that they were not without an excuse for their inaccurate description of spurious marriages. Since it was incumbent on them to deal with the mere appearance of a marriage as though it were a real marriage, until an ecclesiastical court had declared it a nullity, they were practically justified in saying that to them, at least, the spurious wedlock was not void *ab initio*, although the ecclesiastical law might eventually declare it to have been so.

Another noteworthy fact about these appearances of marriage was, that the proceedings for the nullification of a spurious wedding in the spiritual court were deemed to be for the health of its perpetrators' souls, and could neither be instituted nor continued after the death of either of the offenders. No inquiry could be made by a spiritual judge into a spurious marriage, with a view to its nullification, if the soul of either bride or groom had passed to

another world. For all civil purposes the death of either offender changed the false marriage to a true one. It could not be declared void; nor could its progeny be proclaimed illegitimate. But in case one of the delinquents survived, our forefathers, with exquisite inconsistency, were of opinion that the survivor might (for his or her soul's good) be proceeded against and punished in a spiritual court, for having committed sin in respect of the marriage which might not be adjudged a sinful nullity.\*

What Lord Lyndhurst's Act† did in respect to

\* 'And these canonical disabilities are either grounded upon the express words of Divine law, or are consequences plainly deducible from thence; it therefore being sinful in the persons who labour under them to attempt to contract matrimony together, they are properly the object of the ecclesiastical magistrate's coercion, in order to separate the offenders, and inflict penance for the offence, *pro salute animarum*. But such marriages before the recent statute, not being void *ab initio*, but voidable only by sentence of separation, they were esteemed valid to all civil purposes, unless such separation were actually made during the life of the parties; for after the death of either of them the courts of law would not suffer the spiritual court to declare such marriages to have been void, because such declaration could not then tend to the reformation of the parties; and, therefore, when a man had married his first wife's sister, and after her death the bishop's court was proceeding to annul the marriage and bastardize the issue, the Court of King's Bench granted a prohibition *quoad hoc*, but permitted them to proceed to punish the husband for incest.' — *Vide* Blackstone's 'Commentaries,' 23rd edition, 1854.

† The purport and aim of this modern statute are so little known to those of the general public who concern themselves in the agitation for the legalization of marriage with the deceased wife's sister, that some of my readers will like to see in a note the words of the enactment, which runs thus: 'An Act to render certain Marriages valid, and to alter the law with respect to certain voidable marriages [31st August, 1835].' 'Whereas marriages between persons within the prohibited degrees are voidable

marriage with the deceased wife's sister, it effected also with regard to every other species of prohibited marriage. It put an end to suits in the ecclesiastical courts for the nullification of false wedlock; and provided that henceforth 'all marriages celebrated between persons within the prohibited degrees of consanguinity or affinity, should be absolutely null and

only by sentence of the Ecclesiastical Court, pronounced during the lifetime of both the parties thereto; and it is unreasonable that the state and condition of the children of marriages between persons within the prohibited degrees of consanguinity or affinity should remain unsettled during so long a period, and it is fitting that all the marriages which may hereafter be celebrated between persons within the prohibited degrees of consanguinity or affinity should be *ipso facto* void, and not merely voidable: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, *that all marriages which shall have been celebrated before the passing of this Act between persons being of the prohibited degrees of affinity, shall not hereafter be annulled for that cause by any sentence of the Ecclesiastical Court, unless pronounced in a suit which shall be depending at the time of the passing of this Act:* Provided that nothing hereinbefore enacted shall affect marriages between persons being within the prohibited degrees of consanguinity.

II. 'And be it further enacted, that all marriages which shall hereafter be celebrated between persons within the prohibited degrees of consanguinity or affinity, shall be absolutely null and void to all intents and purposes.

III. 'Provided always, and be it further enacted, that nothing in this Act shall be construed to extend to that part of the United Kingdom called Scotland.

IV. 'And be it enacted, that this Act may be altered or repealed by any Act or Acts to be passed in the present session of Parliament.'

The words of the Statute here printed in italics deserve special attention, as they point to the hidden purpose of the Act, which was not drawn for the benefit of the public, but for the relief and security of a highly powerful and aristocratic personage, who, having

void to all intents and purposes.' Being thus deprived of the legal appearance of matrimony, and rendered *ab initio* futile performances, marriages done by persons within the prohibited degrees ceased to be arrangements which had the consequences of lawful wedlock, if the ecclesiastical courts omitted to declare them nullities. To use the convenient but not quite felicitous words of the lawyers, they became void instead of voidable. There was no longer any need to declare them void. Before the enactment which made this alteration, marriage with the deceased wife's sister was in truth neither less nor more illegal than at present, and it had precisely the same legal footing as every other kind of wedlock within the prohibited degrees.

recently married his deceased wife's sister, induced Lord Lyndhurst to manipulate and doctor the law of the land with a subtle enactment, so that, whilst no larger freedom of marriage should be accorded to society, a particular voidable marriage should be rendered a wedding neither voidable nor *ipso facto* void. By putting an end to suits in the Ecclesiastical Courts for the nullification of marriages within the prohibited degrees, Lord Lyndhurst destroyed the only machinery by which his friend's voidable marriage could be declared void. At the same time, whilst providing that all marriages *henceforth* celebrated within the prohibited degrees of *consanguinity* or *affinity* should be *ipso facto* void, the lawyer afforded validity to all marriages within the prohibited degrees of *affinity*, which had been solemnized in time prior to the new Act, and for the nullification of which no steps had, at the date of the statute's enactment, been taken in the Ecclesiastical Court. By this ingenious arrangement—which was a device to defeat rather an attempt to improve the law—Lord Lyndhurst gave stability to his friend's previously voidable wedding. The Act, thus pushed through Parliament for the convenience and comfort of a single pair of aristocratic spouses, of course afforded validity to the hitherto voidable unions of several other couples, for whose domestic interests the drawer of the Bill had no concern.

## CHAPTER XIX.

## HONEYMOON TRIPS AND CARDS.

WHETHER their marriages are solemnized privately, or celebrated in open church and before many witnesses, the brides of our novels, written by novelists of the last century to illustrate the life and manners of George the Second's England, are represented as spending their bridal evenings, and the first days of their honeymoon, in the company of friends who were present at their nuptials. The fictions of Fielding, Smollett, and Richardson afford an abundance of testimony that it was not customary for the gentle English bride, in the earlier half of the eighteenth century, to withdraw from society immediately after the celebration of her wedding, and pass several days in seclusion with her husband.

In 'Peregrine Pickle,' Emilia's match with Peregrine is arranged with noteworthy, though not unusual, expedition; and as soon as they have been married in the parlour of a London lodging-house, they adjourn with the spectators of the bridal ceremony to Marry-bone Gardens, where they pass the afternoon and evening hilariously. The heroine of Fielding's best and most famous novel is given to Tom Jones in the chapel of Doctors' Commons, Mr. Allworthy, Mr. Western, and Mrs. Miller being the

only witnesses of the wedding ; and though she exhibits the shyness and embarrassment appropriate to so modest a damsel under the gaze of her curious admirers, and even insists that her father and the other spectators of her marriage shall keep the interesting transaction secret till the close of the ensuing evening, she appears with her usual equanimity at the dinner-party given at Squire Western's lodgings within an hour or two of the ceremony which made her a wife. Instead of leaving town at an early period of the afternoon with her groom, she sees her father drink the greater part of his second after-dinner bottle ; and when the boisterous old boor has driven her from his presence by his unseasonable declaration of the morning's incident,\* she does not quit the house, in which Squire Western and the elder Nightingale 'sit stoutly to it during the whole evening.'

Harriet Byron's wedding in 'Sir Charles Grandison,' is a very stately and pompous affair ; and the novelist's description of it is all the more reliable, as a piece of social illustration, because he was always at great pains to be minutely accurate in the details of his domestic pictures, and, though he knew little

\* 'She had that morning given her hand to Jones in the chapel at Doctors' Commons, where Mr. Allworthy, Mr. Western, and Mrs. Miller, were the only persons present. Sophia had earnestly desired her father that no others of the company who were that day to dine with them, should be acquainted with her marriage. The same secrecy was enjoined to Mrs. Miller, and Jones undertook for Mr. Allworthy. This somewhat reconciled the delicacy of Sophia to the public entertainment which, in compliance with her father's will, she was obliged to go to, greatly against her own inclinations. In confidence of this secrecy she

or nothing of modish life from personal experience, he is reported to have gathered from trustworthy informants such particulars, representing the usages of fashionable folk, as he employed in his delineations of aristocratic circles which he never studied with his own eyes. It is strange, but true, that we are indebted for our exactest and most vivid pictures of high life in George the Second's England to a Fleet Street tradesman who had passed his fiftieth year before he had a thought above the concerns of his printing business, and of whom Lady Mary Wortley Montague said truly, 'the doors of the great were never opened to him;' a statement which, spoken in her ladyship's time, implied much more than it does now-a-days.

Harriet Byron is married to her 'best of men' publicly (*i. e.* in church before a large congregation of spectators) on Thursday. At the early dinner which follows the nuptial ceremony, Sir Charles Grandison complies with the old rule which required the bridegroom to wait at table on the guests at his

went through the day pretty well, till the squire, who was now advanced into the second bottle, could contain his joy no longer, but, filling out a bumper, drank a health to the bride. The health was immediately pledged by all present, to the great confusion of poor, blushing Sophia, and the great concern of Jones upon her account. To say the truth, there was not a person present made wiser by this discovery, for Mrs. Miller had whispered it to her daughter, her daughter to her husband, her husband to his sister, and she to all the rest. Sophia now took the first opportunity of withdrawing with the ladies, and the squire sat in to his cups, in which he was by degrees deserted by all the company, except the uncle of young Nightingale, who loved his bottle as well as Squire Western himself.—*Vide* Henry Fielding's 'Tom Jones.'

bridal feast. The dinner is succeeded in the evening by a ball, which is opened by the bride and bridegroom,\* the dancers, who 'all disclaimed formal supper,' refreshing themselves during their exertions at 'a very plentiful sideboard of rich wines, sweetmeats, &c.' At eleven o'clock the bride slips away from the dancing-rooms, and receives her bridemaids in her chamber, who go to her room one by one, instead of in a company, in order that their brief absence from the ball-room may not attract attention. On the following morning, after she has received the ladies staying in Selby House at her toilet-table, she appears at the large breakfast-party† of ladies and gentlemen who danced with her on the previous evening. The chief event of the day (Friday) is a grand dinner at Selby House. Saturday is spent by the bride and her groom in paying ceremonious visits to some of her old neighbours. On Sunday

\* 'The ball, at the request of the company, was opened by the bride and bridegroom. She was very uneasy at the general call. Sir Charles saw she was, and would have taken out Miss Needham, but it was not permitted. The dear creature, I believe, did her best at the time; but I have seen her perform better, yet she did exceedingly well. But such a figure herself, and such a partner! How could she do amiss? . . . About eleven Mrs. Selby, unobserved, withdrew with the bride. The bridemaids, one by one, to be the less observed, waited on her to her chamber, saluted her, and returned to the company.—*Vide* 'Sir Charles Grandison,' Letter LIII. Lady G. to Lady L.

† 'We attended the two ladies down. Harriet, as bashful people ever do, increased her own difficulties by staying behind with her Lucy. We were all seated at the breakfast-tables, and staid at them. Mr. Selby grew impatient, every one having declared themselves ready for breakfast. At last down came the blushing bride with her Lucy.—*Vide* 'Sir Charles Grandison,' Letter LIV., Lady G. to Lady L.

the bride makes two public appearances,\* as a wife, in the church where she was married three days before, the gentry of the congregation who were not amongst the guests at her wedding being allowed to approach her and render her their respects in the intervals 'between the offices.' The next week is spent by the bride and Sir Charles Grandison in a series of visits to friends, interviews with callers, and festal entertainments. On Tuesday, whilst preparations are being made at Selby House for 'the tenants' jubilee,' they pay a visit to Sir John Holles's family. On Wednesday the bride is present

\* 'We were early, but the church was crowded. How were the charming couple admired on their alighting, and as they walked to their pew! Never did my cousin herself look so lovely. How charming looked the bridegroom! But he forgot not that humble deportment, full of reverence for the place and the Divine offices, which seemed to make him absent for the time to that splendour and beauty which took every eye *out of* our own pew. His example was enough to give a proper behaviour, had it been needful to every one *in it*. . . . There was a great concourse of the genteelst people there. Everybody—men and women—looked delighted on the occasion. The humility of the bride was tried, by the respects paid her between the offices, by all who had ever been in her company. They should have reined in their own pride, for it was to *that*, as much as respect to her, I doubt not, that their notice was owing. . . . When Divine service was over, I was afraid our procession, as I may call it, would have been interrupted by the compliments of some of the gentry of our acquaintance, whose opened pew-doors showed their readiness to address them; but all passed in silent respects from gentlemen and ladies. My cousin, when she came home, rejoiced that one of her parading times was over. "But when, my dearest love," said Sir Charles, "will the time be past that all who see you will admire you?" The church, in the afternoon, was still more crowded than before.'—*Vide* 'Sir Charles Grandison.' Letter LVI. Miss Selby to Lady L.

at the tenants' dinner. On Thursday and Friday the bride 'sees company,'—'a vast number of people, some of them persons of fashion, with whom she has but a slender acquaintance.' On Saturday she is one of a quiet dinner-party at Shirley Manor. On the following Monday and Tuesday she returns the visits of her numerous callers. On Wednesday evening she dances at Mrs. Shirley's ball, when 'everyone is in raptures with the bridegroom on his charming behaviour to his bride.' Thursday is 'a calm, serene day,'—spent, however, at Shirley Manor by Harriet in the society of some ten or twenty acquaintances, besides her husband. On Friday Sir Charles and Lady Grandison start for London, attended by Aunt and Uncle Selby, Mr. Deane, and Lucy Selby. They may not even post along turn-pike-roads without companions to watch and criticise their demeanour towards each other. After passing a few days in town they go down to Grandison Hall, where they arrive on Saturday. On the following day the bride appears in state at her husband's parish-church, where the scene of her first exhibition of herself at church after her wedding is re-enacted with unimportant variations. 'To-morrow,' she writes to Mrs. Shirley immediately on her arrival at Grandison Hall, 'I am to go over all the bridal ostentation again at the parish-church.' On the following day she adds, 'What a crowded churchyard and church had I to pass through to the handsome seat which belongs to the excellent patron of it!' On the close of the religious display, as this excellent patron is handing his bride into her coach, he is accosted by several gentlemen, who 'acknowledge the favour

done them' by the invitation they have received to the grand dinner-party which takes place at Grandison Hall on the following Tuesday. But enough has been said to satisfy Sir John Lubbock that the seclusion of the modern honeymoon trip is no relic of the furtive secrecy with which the bridegroom, in the old days of marriage by capture, formerly enjoyed the first days of his familiar intercourse with a stolen bride. Sir Charles and Lady Grandison had been married considerably more than a month before they had four-and-twenty hours of unbroken quietude.

The modern honeymoon trip had its birth, as we have seen, in the very last days of George the Second, and became a recognized bridal institution in the aristocratic world in the earlier years of George the Third's reign. But many years passed before modest gentlefolk in the middle rank of life presumed to imitate their betters in respect to this convenient custom. The change of usage was, however, so agreeable to lovers of both sexes that the new fashion became yearly more general; so that, by the end of the last century, it was unusual for a bride, having the slightest claim to gentility, to pass the evening of her wedding-day under her father's roof. The trip became an indispensable part of every nuptial celebration, even in the grades of country-town 'respectability;' and on rising from the bridal banquet the bride went off, as a matter of course, for tranquillity and change of scene, in the carriage, after which the wedding-guests sent a volley of slippers. On returning from her tour she went without parade to her new home, instead of being conducted

thither, in the obsolete fashion,\* by a disorderly cavalcade or a numerous band of pedestrians.

In the two first decades of the present century the honeymoon trip of a married couple, who, though of gentle quality, were too busy or thrifty to think of spending much time or money on a romantic excursion, seldom exceeded ten days or a fortnight. The London merchant or lawyer took his London bride to Bath or Tunbridge Wells or Brighton for seven or eight days, and on returning to town she entered her new home in Finsbury Circus or Guildford Street, feeling herself to have seen much of her native land. The country clergyman or provincial doctor took his spouse for as short a time to London, to see the parks and theatres, St. Paul's and the Tower; and, on crossing the threshold of her future abode, the young wife 'felt that she had seen as much of the world, outside her

\* In 'The Levellers: a Dialogue between two Young Ladies concerning Matrimony' (1703), *Politica*, laughing at the eccentric behaviour of a country clergyman, already mentioned in this work, says, 'From church they went home to her father's house, where, having dined, he tells his wife she must put up such things as she desired to carry home with her, for he would quickly be going homewards. The relations begged of him to stay all night, and bed his wife at her father's house, it being the usual custom to do so. He told them he would lie nowhere but at his own house, and that he would be going presently. The relations, finding no arguments would prevail upon him to tarry, they got mistress bride ready, and the parson, coming to the door, espied several horses ready saddled and bridled. He asked what the meaning of those horses was? They told him, for some of his wife's relations, to accompany him home. He said nobody should along with him but his wife; and so they were forced to stable their horses, and let the married people go home by themselves.'

*vide* 'The Levellers' (1703).

own proper neighbourhood, as she ought to wish to see for the next twenty years.

Easily accessible from London and the southern counties, before the railway and steamboat had brought Ryde within two hours of the Strand, the Isle of Wight gained renown for being the favourite haunt of newly-married couples, as soon as the honeymoon trip had become a universal incident of wedlock in our gentle ranks. And to afford suitable accommodation for spouses desirous of passing the first days of their matrimony in retirement and charming scenery, speculators built in the choicest spots of the lovely island those attractive honeymoon hotels, such as the Sandrock and Shanklin inns,—ivy-and-myrtle-covered tenements, partitioned into little pigeon-hole sitting-rooms and bed-rooms,—in which proud boys and happy girls still delight to bill and coo in blissful unconcern of everything but love. But in these later years the increasing facilities for travel have caused the majority of our spouses to regard the trip to the nearest of our Channel islands as too tame and unadventurous for the happy pair, who have time and money for a run to the Pyrenees, Switzerland, or the Italian lakes.

Honeymoon trips having become the fashion, it was soon found convenient to announce to the bride's friends the time when her trip would terminate, and she would be happy to receive their congratulations under her own roof. To do this, in order that the well-wishers of a newly-married lady should be spared the trouble of journeying prematurely to her door, only to learn that she had not yet entered her appointed home, a social reformer introduced the

practice of distributing wedding-cards, that, besides declaring the fair sender's change of name, stated the particular days on which she would sit in state, to receive her callers and regale them with wine and wedding-cake. In the days of our grandmothers a bride's nuptial card was always an invitation to a banquet of sweetmeats, as well as an announcement of her marriage and future residence. In the course of the last forty years fashion has been notably capricious and changeful with respect to wedding-cards and bridal receptions. She abolished successively the feast of sweetmeats and the ceremonious call on one of several stated days. Then, for awhile, she declared that a bride's cards should merely state her abode, and the time 'after' which she would be 'at home' to callers fortunate enough to find her there. She next ordained that the bridal placard should say nothing about the sender's 'home,' should not even give its address. It should be a single undated card, sent in a plain envelope; it should be a contrivance of two cards joined together with silver thread; it should consist of two ordinary calling-cards — one the sender's, the other her groom's. Having invented half-a-hundred varieties of the bridal note, and discarded each of them after taking it into brief favour, Fashion grew weary of nuptial cards, and proclaimed them antiquated things that should no longer be tolerated in polite society. At the present moment it is an open question amongst the guardians of our social proprieties, whether a bride should 'send cards' or be married 'without cards.' But I am assured by many judicious ladies, who are greatly authoritative in feminine affairs,

and hold fashion in no high esteem, that nuptial cards, announcing the bride's maiden name, wifely name, and London address, are never likely to go altogether out of use, as the neglect to distribute them is fruitful of divers inconveniences in the vast Babylon.

## CHAPTER XX.

### SAMUEL JOHNSON ON MATRIMONY.

LIKE Charles the First's title to reverence, Dr. Johnson's character is one of those subjects about which men have agreed to differ. At the present date, however, it is generally conceded by his warmest admirers that the lexicographer's contemporaries erred in thinking him a great moral philosopher. On the other hand, it is no less generally allowed that, though no profound and accurate ethical teacher, the doctor was a sincere moralist, who held the ethical views prevalent amongst the orderly and religious persons of his time, and carefully exemplified them by practice. A devout and severely conscientious man, he was chiefly anxious that his conduct should accord with his religious convictions. It is this that renders his judgments respecting the duties and mutual obligations of men especially worthy of attention.

Some of those judgments were unsound, a few of them were highly reprehensible; but whenever he startles us by a seriously offered sentiment, which is repugnant to our notions of justice and virtue, we may be sure that the opinion had the approval of his conscience, and reflected the moral condition of the persons who exaggerated his wisdom, and valued

him for his goodness. Again, his wrong verdicts on questions of morality are all the more deserving of attention, because they were always accompanied with the reasons which caused him to deliver them. Of a certain class of disputants it has been wittily observed that their conclusions are always right, and their reasons for them invariably wrong. If Johnson's bad decisions were not the result of good arguments, it may at least be said that they were always far more erroneous than their premises, and that he defended them with an ingenuity and force that no other man of his day could have exhibited in their behalf. Resembling ordinary persons of intelligence and culture in mistaking prejudices for truths, he differed from them in being always ready with the right defence for a wrong judgment.

It has been already shown that Samuel Johnson was an advocate of marriage, and a champion of womankind. He thought that men could not marry too early, and had better wed late than never. He held that widowers did well to contract second marriages; and, hearing ridicule cast on a gentleman for taking a second wife when he had been very unfortunate in his first choice, he exclaimed, with equal heartiness and humour, 'Sir, it is a triumph of hope over experience.' Matrimony, in his opinion, was no such mere natural arrangement that savages could be happy in it, but the contrivance of civilization for promoting the happiness of creatures in the higher grades of human life.\* Himself a model

'On Tuesday, March 31, he and I dined at General Paoli's. A question was started whether the state of marriage was natural to man. *Johnson.* "Sir, it is so far from natural for a man and

husband, he was so jealous of his lumbering old Tetty's love, that he once thought of extorting from her a promise not to marry again, should she survive him ; although he was her second husband, and, as Boswell justly remarked, the spirit of a certain honest Birmingham trader would, in the next world, have a prior claim, if not a stronger title than the author's, to Mrs. Johnson's conjugal devotion.\*

woman to live in a state of marriage, that we find all the motives they have for remaining in that connexion, and the restraints which civilized society imposes to prevent separation, are hardly sufficient to keep them together." The General said that, in a state of nature, a man and woman uniting together would form a strong and constant affection, by the mutual pleasure each would receive ; and that the same causes of dissension would not arise between them as occur between a husband and wife in a civilized state. *Johnson*. "Sir, they would have dissensions enough, though of another kind. One would choose to go a-hunting in this wood, another in that ; one would choose to go fishing in this lake, the other in that ; or, perhaps, one would choose to go a-hunting, when the other would choose to go a-fishing ; and so they would part. Besides, sir, a savage man and a savage woman meet by chance ; and when the man sees another woman that pleases him better, he will leave the first."—*Vide* Boswell's 'Life of Johnson.'

\* 'When I censured a gentleman of my acquaintance for marrying a second time, as it showed a disregard of his first wife, he said, "Not at all, sir. On the contrary, were he not to marry again, it might be concluded that his first wife had given him a disgust to marriage ; but by taking a second wife he pays the highest compliment to his first, by showing that she made him so happy as a married man, that he wishes to be so a second time." So ingenious a turn did he give to this delicate question. And yet, on another occasion, he owned to me that he once had almost asked a promise of Mrs. Johnson that she would not marry again, but had checked himself. Indeed, I cannot help thinking that in his case the request would have been unreasonable ; for, if Mrs. Johnson forgot, or thought it no injury to the memory of her first love,—the husband of her youth and the father of her children,—to make a second marriage, why should she be precluded from a

After her death he could not reflect on her virtues with equanimity. Though matrimony doubtless contributed to the felicity of the gentler sex, he held that it was far more necessary and advantageous to the so-called lords of creation. A spinster could get on comfortably by herself; but an old bachelor was a helpless and forlorn creature, dependent on female hirelings for his shirt-buttons and domestic comforts.\* He certainly did not underrate the feminine intellect, and insisted that, in proportion as she was clever, a woman was likely to prove a good wife. Something of cynical disdain for woman's wit and mental capacity is discernible in the counsel which he gave to the friend, whose hesitancy in prosecuting his suit to a clever woman he corrected by saying, 'Sir, you need not be afraid; marry her. Before a year goes about you'll find that reason much weaker, and that wit not so bright.' A passage in his 'Life of Waller,' also might be quoted to show that he was not innocent of the masculine distrust of witty women, and regarded the qualities which enabled

third, should she be so inclined? In Johnson's persevering fond approbation of his *Tetty*, even after her decease, he seems totally to have overlooked the prior claim of the honest Birmingham trader. I presume that her having been married before had, at times, given him some uneasiness; for I remember his observing to me on the marriage of one of our common friends, 'He has done a very foolish thing, sir; he has married a widow, when he might have had a maid.'—*Vide* Boswell's 'Life of Johnson.'

\* 'Marriage, sir, is much more necessary to a man than to a woman; for he is much less able to supply himself with domestic comforts. You will recollect my saying to some ladies the other day, that I had often wondered why young women should marry, as they have so much more freedom, and so much more attention paid to them, while unmarried.'—*Vide* Boswell's 'Life of Johnson.'

them to shine in the *salon*, as more likely to lessen the contentment than to enhance the felicity of their husbands.\* But he steadily maintained that, upon the whole, women were virtuous in proportion to their mental vigour and enlightenment; and that the possession of independence and authority was more likely to enlarge their discretion and capacity for business than to infuse them with insolence and dispose them to carelessness.† It was consistent with these sentiments that he believed the gentlewomen of the aristocracy to be more unselfish, and considerate to their inferiors, than the ladies of the middle grades of society. That dull and foolish girls were so often selected for matrimony, in

‘He doubtless praised many whom he would have been afraid to marry; and, perhaps, married one whom he would have been ashamed to praise. Many qualities contribute to domestic happiness, upon which poetry has no colours to bestow; and many airs and sallies may delight the imagination, which he who flatters them can never approve.’—*Vide* Johnson’s ‘Lives of the Poets.’

† ‘We then talked of marrying women of fortune; and I mentioned a common remark, that a man may be, upon the whole, richer by marrying a woman with a very small portion, because a woman of fortune will be proportionately expensive; whereas, a woman who brings none will be very moderate in expenses.—*Johnson*. “Depend upon it, sir, this is not true. A woman of fortune, being used to the handling of money, spends it judiciously; but a woman, who gets the command of money for the first time upon her marriage, has such a gust in spending it, that she throws it away with great profusion.” He praised the ladies of the present age, insisting that they were more faithful to their husbands, and more virtuous in every respect, than in former times, because their understandings were better cultivated. It was an undoubted proof of his good sense and good disposition, that he was never querulous, never prone to inveigh against present times, as is so common when superficial minds are on the fret.’—*Vide* Boswell’s ‘Life of Johnson.’

preference to their brighter and more capable sisters, was a phenomenon of masculine perversity which he accounted for by declaring that ordinary men, conscious of their inferiority to women of the finer and nobler kinds, made choice of the simpletons whose mental strength they did not fear, and whose weakness they felt themselves competent to control. 'Men,' he said, 'know that women are an overmatch for them, and therefore they choose the weakest or most ignorant. If they do not think so, they never could be afraid of women knowing as much as themselves.' The jocular tone of this remark causing Boswell to inquire subsequently whether it expressed his hero's sober judgment, Johnson declared that he had spoken it seriously.

But whilst valuing women thus highly, and judging them thus generously, the man of letters was disdainful of the emotions and sympathies which usually determine the affections of those persons of opposite sexes who join hands in wedlock. Love was the romantic ailment of big school-children and fools. 'It is commonly a weak man,' he observed, contemptuously, 'who marries for love.' The intelligent and prudent man selected his bride on a calm and dispassionate consideration of her temper, mental quickness, moral endowments, and the material advantages that would result from an alliance with her. He wooed her, not because he preferred her to all the rest of womankind, but because she fell in his way under circumstances favourable to his intercourse with her. Proximity, proximity, proximity, were the three great causes of matrimonial attachments. That matches were

made in heaven, and that certain persons were pre-ordained, ere they saw the light of this world, to be the conjugal partners of other certain persons, were notions so fantastic that he could not consider them for a moment without deriding them. The doctrine of elective affinities was the mere whimsy of a disordered mind. He would not even admit that the freedom of selection, accorded by custom to young people desirous of matrimony, was productive of more good than evil. Upon the whole he thought that spouses would be more harmoniously mated, if it were left to the Lord Chancellor to match them, after duly considering the qualities and circumstances of each candidate for wedlock.\*

The right of every woman to please herself in selecting a conjugal partner he asserted even to maintaining that no father was justified in exercising his parental authority to induce his daughter to accept a distasteful offer of marriage.† At the same time, he was no less positive in declaring that the daughter, who, in opposition to her parents' wishes,

‘*Boswell*. “Pray, sir, do you not suppose that there are fifty women in the world, with any one of whom a man may be as happy, as with any woman in particular?”—*Johnson*. “Ay, sir, fifty thousand.”—*Boswell*. “Then, sir, you are not of opinion with some who imagine that certain men and certain women are made for each other; and that they cannot be happy if they miss their counterparts?”—*Johnson*. “To be sure not, sir; I believe marriages would in general be as happy, and often more so, if they were all made by the Lord Chancellor, upon a due consideration of the characters and circumstances, without the parties having any choice in the matter.”’—*Vide* Boswell’s ‘Life of Johnson.’

† ‘At Streatham, on Monday, March 29 (1779), at breakfast, he maintained that a father had no right to control the inclinations of his daughter in marriage.’—*Vide* Boswell’s ‘Life of Johnson.’

degraded herself by an alliance with a social inferior, had no claim to parental forgiveness of her misconduct; and that the father, who pardoned her so far as to restore her to a position in his regard of equality with her obedient sisters, was reprehensibly lenient.\* The sire of such a grievously offending child might so far relent towards her as to preserve her from starvation, and even to provide her with comforts appropriate to a woman in her husband's way of life; but 'the subordination of civilized society,' which it behoved all moral persons to guard with jealousy, forbade him to act so that the consequences of her example should not 'deter others from the same perversion.' In the same spirit, giving utterance to a sentiment strangely inconsistent with his compassionate behaviour to-

'A young lady, who had married a man much her inferior in rank, being mentioned, a question arose, how a woman's relations should behave to her in such a situation; and, while I recapitulate the debate, and recollect what has since happened, I cannot but be struck in a manner that delicacy forbids me to express. While I contended that she ought to be treated with inflexible steadiness of displeasure, Mrs. Thrale was all for mildness and forgiveness, and, according to the vulgar phrase, "making the best of a bad bargain." *Johnson*. "Madam, we must distinguish. Were I a man of rank, I would not let a daughter starve who had made a mean marriage; but having voluntarily degraded herself from the station which she was originally entitled to hold, I would support her only in that which she had herself chosen; and would not put her on a level with my other daughters. You are to consider, Madam, that it is our duty to maintain the subordination of civilized society; and when there is a gross and shameful deviation from rank, it should be punished so as to deter others from the same perversion."—*Vide* 'Life of Johnson.' In these harsh sentiments Boswell concurred so heartily that he could not refrain from extolling "their wisdom," in a long paragraph of insolent barbarity.

wards fallen women, he reproved Boswell for suggesting that utter worldly ruin was too hard and merciless a punishment for one act of sin perpetrated by an unfortunate girl.

Whilst he was thus unforgiving in theory towards women guilty of the most serious of common offences against domestic morality, Johnson exhibited towards the matrimonial libertinism of the stronger sex an indulgence which amazes the student who remembers that the doctor was the great moralist of his generation. In saying that the conjugal infidelity of a woman was, by reason of its usual results, far more injurious to society, and therefore a graver civil inconvenience, than the matrimonial faithlessness of a husband, he offered an opinion in which most persons will coldly concur. In fairness to Johnson, moreover, it should be remembered that, on coming from his lips, this observation was accompanied with an admission that, though the faithless husband's sin against society was comparatively trivial, it was just as flagrant as the erring wife's wickedness against the Almighty. But readers in this nineteenth century are literally staggered by the coolness and insensibility of Johnson's remarks on one of the most revolting offences that a husband can perpetrate against his wife's peace of mind and womanly dignity. The solemn moralist of George the Third's England actually taught that the man who outraged decency by committing acts of conjugal faithlessness under his wife's roof, and with the co-operation of her personal attendant, was guilty of nothing worse than a venial impropriety at which the injured wife was bound to connive.

Instead of resenting the insult, Johnson insisted that the lady should conceal her annoyance, and only strive to reclaim her husband by more strenuous efforts to please him. He declared that he 'would not receive home a daughter who had run away from her husband on that account.'\* The woman, writhing under such an affront, seldom had any good ground for complaint, as in ninety-nine cases out of every hundred she had brought the annoyance on herself by unamiable remissness towards her lord. Passages in harmony with Johnson's sentiments on this subject may be found in the plays and novels of the last century; and it is the fashion of some social illustrators to regard them as the mere humorous excesses of worldly writers, who in dealing with the conjugal relations pandered to popular licentiousness, and adopted a dissolute tone that misrepresented the familiar life of their period. But Samuel Johnson was no producer of wanton literature, seasoned for the vulgar appetite.

\* The language in which Samuel Johnson, the moralist, clothed these absolutely atrocious sentiments, is so gross that I may not submit it to readers of this page. But the sentiments and their expression were alike acceptable to Johnson's biographer, who exclaims, 'Here he discovered that acute discrimination, that solid judgment, and that knowledge of human nature, for which he was upon all occasions remarkable. Taking care to keep in view the moral and religious duty, as understood in our nation, he showed clearly, from reason and good sense, the greater degree of culpability in the one sex deviating from it than the other; and, at the same time inculcated a very useful lesson.' The very useful lesson being that the wife, smarting under a brutal and unendurable indignity, should hold her tongue with respect to her wrongs, and smile on her licentious tyrant more sweetly than ever.

He was the rigid moralist of his day. And it must be confessed that his frankness on this unpleasant topic affords an instructive insight into the domestic morals of Georgian England, and tells a painful story of woman's condition in 'the good old times.' Let those flippant slanderers of the present generation who delight in declaring that our standard of household morality is lower than that of our Georgian forefathers, check themselves by remembering that in his thoughtful and pious old age Samuel Johnson regarded as trivial indecorum what we stigmatize as enormous profligacy.

## CHAPTER XXI.

## JEUX D'ESPRIT AGAINST WIVES.

It is, also, illustrative of a notable change in social taste and opinion, that, instead of imputing a want of the nicest delicacy to some few sentences of our Office for the Solemnization of Matrimony, Samuel Johnson regretted that the excessive refinement of the service rendered it inappropriate to weddings of an unromantic kind. 'Talking of marriage in general,' says the biographer, 'he observed, "Our marriage service is too refined. It is calculated only for the best kind of marriages; whereas we should have a form for matches of mere convenience, of which there are many." He agreed with me that there was no absolute necessity for having the marriage service performed by a regular clergyman, for this was not commanded in Scripture.'

It was on the occasion of this conversation that Boswell, blushing at his temerity in submitting verses of his own writing to the critical attention of his 'illustrious friend,' repeated to Dr. Johnson 'the little epigrammatic song,' which was subsequently set to music by 'the very ingenious Mr. Dibdin,' and published under the title of 'A Matrimonial Thought.'

‘ In the blithe days of honeymoon,  
 With Kate’s allurements smitten,  
 I loved her late, I loved her soon,  
 And called her dearest kitten.

But now my kitten’s grown a cat,  
 And cross like other wives ;  
 Oh ! by my soul, my dearest Mat,  
 I fear she has nine lives.’

‘ It is very well, sir,’ said the illustrious friend, smiling condescendingly, ere he added gravely, ‘ but you should not swear.’ Out of regard for the great man’s religious sensibility, Boswell substituted, ‘ Alas, alas,’ for ‘ by my soul ;’ but after the Censor Morum had departed for ever from Fleet Street, the poet resumed his profane habit, and restored ‘ by my soul’ to its place in the humorous trifle.

Love and marriage were topics on which eighteenth-century writers of *vers de société*, more skilful in their art than Boswell, delighted to make merry. To one of them we are indebted for Celia’s retort on the cynical dean :—

‘ Cries Celia to a reverend dean,  
 “ What reason can be given,  
 Since marriage is a holy thing,  
 That there is none in heaven ?”

“ There are no women,” he replied :  
 She quick returns the jest ;  
 “ Women there are, but I’m afraid  
 They cannot find a priest.”’

The literature of epigrams and epitaphs comprises some of the smartest *jeux d’esprit* written by men against women, and by wives against their

masters. The German poet, Besser, produced the epigram on Adam's sleep :—

‘ He laid him down and slept,—and from his side  
A woman in her magic beauty rose ;  
Dazzled and charmed, he called that woman “ bride,”  
And his first sleep became his last repose.’

To a German poet, also, we are indebted for the ‘ Epitaph on a Scolding Woman,’ which has been rendered in English :—

‘ Here lies, thank God, a woman who  
Quarrelled and stormed her whole life through ;  
Tread gently o’er her mouldering form,  
Or else you’ll raise another storm.’

‘ *Soyez tranquille* ’ was the epitaph maliciously suggested for the monument which the French cook, of Crimean celebrity and whilom of the Reform Club, raised in Kensal Green Cemetery over the grave of the virtuous Madame Soyer, whose good qualities the disconsolate *chef* commemorated in a grandiose and highly sentimental inscription, respecting which Douglas Jerrold remarked pithily, ‘ Mock Turtle.’

To the credit of the fair sex let it be observed, that the sharpest things engraved by widows on the tombs of their husbands were innocent of disdainful purpose. A good many years since, when that exemplary clergyman, the Reverend William Greenlaw, became Rector of Woolwich, he found in the churchyard of his new cure a recently erected tombstone, to the memory of a Woolwich tradesman, on which there had been inscribed, at the particular request of the dead man, the well-known lines :—

‘ Youthful reader, passing by,  
As you are now, so once was I ;  
As I am now, so you must be,  
Therefore prepare to follow me.’

Beneath which lines there also appeared on the stone, the following couplet, added by the widow and executrix of the dead,—

‘ To follow you I am not content  
Unless I know which way you went.’

Offended by the apparent flippancy and irreverence of this couplet the Rector entreated the widow to consent to its obliteration from the stone. To his surprise he found that she cherished no ill feeling to her late lord and master, and was of opinion that he surpassed in piety most of the husbands whom he had left behind. The good woman had always thought the epitaph a foolish epitaph, and had repeatedly told her husband her critical reasons for disliking it. Like a docile wife she had placed it on the stone, as her husband desired it to appear there ; but she had thought herself justified in pointing to the obvious defect of the lines. She had only availed herself of her opportunity to have the last word in a literary controversy that she and her husband had for years carried on in a friendly spirit. On being shown that the stone, as it appeared, was suggestive of disrespectful thoughts of her husband, she consented reluctantly to the erasure of her comment.

Even more infelicitous than this widow of Woolwich was the good lady who, with the best intention, placed a highly scandalous inscription on the tomb

of her deceased husband, in his day a famous London pyrotechnist. In the first month of her widowhood, on mournfully walking away from his grave, after watering it with a tear, this widow was struck by the sublime dignity of an inscription on an adjacent tomb, erected to the honour of a musical composer who, in the language of the legend, had gone 'to a world where alone his harmonies could be surpassed.' Lacking the power to produce an original eulogium, the simple lady adapted the harmonious professor's epitaph to the igneous artist's case. With the accuracy of a conscientious historian she substituted 'fireworks' for 'harmonies,'—with consequences that my readers may be left to imagine for themselves.

## CHAPTER XXII.

DISSOLUTION OF PARTNERSHIP IN CATHOLIC  
ENGLAND.

FOLLOWING the example of the old preachers of wedding sermons, I will conclude my Essay on Marriage in England with some remarks on those artificial ways of terminating wedlock which one of our Elizabethan divines termed, with more quaintness than felicity, ‘the rod of mariage,’ and ‘the medicine of matrimony.’\*

Amongst the pagan Britons and pagan Anglo-Saxons, in the days of forcible marriage, divorce was prevalent ; and it was so little restrained by generosity to womankind, or any kind of regard for the interests of the fair sex, that it may be described as the simple repudiation of wives at the will of

\* ‘If these duties be performed, then I need not speake of divorcement, which is the rod of mariage, and divideth them which were one flesh, as if the bodie and soul were parted asunder. But because all performe not their wedlocke vowes, therefore He which appointed mariage hath appointed divorcement, as it were, taking a privilege from us when we abuse it. As God hath ordained remedies for every disease, so He hath ordained a remedie for the disease of mariage. The disease of mariage is adultery, and the medicine thereof is divorcement.’—*Vide* Master Henry Smith’s ‘Preparation to Mariage,’ *temp.* Eliz.

their masters. The husband who had seized his conjugal partner by violence, in the fever of ferocious desire, was at liberty to throw her aside with insult as soon as he had grown weary of her fascinations, and had no wish to retain her in the number of his domestic slaves.

On being placed on a commercial basis, marriage became an unequal civil contract, which, like other civil partnerships, was terminable by the agreement of the contracting parties; but it differed from the social compacts of more civilized times, in that the stronger of the two parties could almost always compel his weaker mate to consent to his wish for a disunion. Under marriage by purchase woman was invested with some ill-defined rights—to a share of her buyer's wealth in case he put her away, and to a voice in the negotiations which deprived her of his companionship. And if she had blood-relations able to defend her from gross injustice, or possessed the endowments that even in barbarous communities drew champions round injured women, these rights were respected. But in many cases, where the repudiated wife had no powerful kindred or other friends to enforce her legal claims, she was sent forth from her repudiator's walls with no provision for the future but the clothing on her back; the money and chattels, to which she was entitled on her expulsion from her former home, being withheld by the enemy who had at one time been her lover. The very laws, which afforded an inadequate protection to wives who had been guilty of no misconduct justifying their repudiation, allowed divorcement for such trivial offences, that the husband, guilty of turning

a friendless wife out of doors to shift for herself in the cruel world, could usually allege that her evil behaviour afforded good grounds for his severity, and could say enough in support of his assertions to satisfy social opinion that at least the wrong was not altogether on his side.

Even so late as the tenth century, Howell Dha, the good sovereign of South Wales, decreed that a husband might righteously eject from his home the wife who had given a single kiss to any man but himself, and that in summarily casting her from him, he might retain whatever chattels she had brought him, and leave her to provide for herself by mendicancy or labour. And long after the secular law and ecclesiastical authorities had provided the Anglo-Saxon wife with such armour against marital injustice, as rendered her in theory safe from unreasonable divorcement, her honour and status were too often at the mercy of a vindictive and unscrupulous husband.

In regarding the defects of our ancient laws towards womankind, it has been already remarked that we should never lose sight of the natural influences which modified their harshness and corrected their flagrant injustice. The average English wife was never the abject slave that laws and customs declared her. On the other hand, it cannot be denied that the experiences of the unfortunate matrimonial bondswomen of our remote Christian ancestors accorded with the legal theory of their condition. They were slaves who were frequently repudiated by their wanton lords on the flimsiest pretexts, and were sometimes transferred to

new owners for pecuniary consideration. It was in accordance with the spirit of marriage by purchase that husbands, weary of wives whom they had bought with money, like horses and kine, thought themselves entitled to dispose of them for money to persons who wished to buy them. That the sale of wives was common in some parts of the British Islands so late as the eleventh century, we have conclusive evidence in Gregory the Seventh's monition on the subject to Archbishop Lanfranc, in which the Pontiff asserts that the practice was prevalent among the Scotch,\* and insinuates that it was not unknown in England. That this same traffic in married womankind was abominably common amongst the Irish, still more certain testimony is afforded by epistles written by Lanfranc and his successor in the English primacy to kings of

\* Selden, whilst admitting that the inhabitants of North Britain disposed of their wives with reprehensible freedom, was of opinion that the Scotch, mentioned in Gregory's monition, were the Celts of Ireland. 'Id quidem,' he says, 'verum est monuisse olim Gregorium P. P. 7<sup>d</sup>. Lanfrancum Antistitem Cantuariensem. "Quatenus graviora usquequaque resecare vitia studeret et inter omnia et præ omnibus nefas quod de Scotis audiverat, quod plerique videlicet proprias uxores non solum deserunt sed etiam vendunt, omnibus modis prohibere contenderet. Ad hæc enim apostolica te auctoritate fultum volumus, ut non solum in Scotis hoc scelus sed etiam in aliis, *si quos in Anglorum insula tales esse cognoveris*, dura animadversione punias, et radicem tanti mali prudenti sarculo correctionis penitus extirpare non differas." Sic papa ille. De Anglis non affirmatur, licet et ipsos pariter si qui forte fuerint hic coercendos voluit. Atqui Scotorum liberiora tunc etiam divortia in usu fuisse creberrimo hic aperte patet. Scoti autem hic non pro aquilonaribus Britanniae majoris sumi videntur, sed pro Hibernis, qui non raro apud veteres Scotorum nomine veniunt.'—*Vide Selden's 'Uxor Hebraica.'*

Ireland. Addressing Muriertagh\* of Ireland, the later primate represents that the men of that country put away their wives without reason and for mere pleasure, and exchanged them amongst one another as openly and shamelessly as they exchanged their horses, and other goods and merchandize. And several centuries passed, before the Irish in this respect universally adopted the practices of modern civilization, and conformed to the requirements of the Church. Even so late as the seventeenth century a considerable proportion of the people of the ruder districts of the Emerald Isle regarded their wives as creatures that it was not well to keep for many years.

Nor may it be supposed that England was altogether innocent of this revolting usage in the feudal period. Though he would fain have persuaded himself that the commercial interchange of wives was peculiar to the wilder folk of Ireland, and never disfigured the social life of England and Scotland, Selden could not deny that the laws and annals of the two last-named countries exhibited several traces of a matrimonial system under which wives guiltless of conjugal misbehaviour were repudiated by their lords with insolent selfishness, and wedded spouses broke the band of matrimony for trivial or corrupt reasons.

\* 'Accedat et illud Anselmi antistitis Cantuarensis ad Muriardachum Hiberniæ regem, "Dicitur etiam quod viri (apud vos, in Hibernia) ita libere et publice uxores suas uxoribus aliorum commutant sicut quilibet equum equo, aut quamlibet aliam rem re alia ab illo commutat, aut pro libitu et sine ratione relinquunt. Quod quam malum sit omnis qui Christianam legem novit, intelligit." — *Vide* Selden's 'Uxor Hebraica.'

To what extent irregular divorce prevailed in mediæval England it is impossible to say ; for it is in the nature of usages, forbidden or not openly sanctioned by authority, to pass away without leaving such traces of their existence as would indicate the degree in which they were general. Had not a few antiquaries preserved the Fleet registers from destruction, we should have had no adequate proof of the frequency of irregular marriages in George the Second's London, and should even have believed Horace Walpole's assertion, that the lawless weddings were too few in number and too trivial in their consequences to require the notice of the legislature. In this age of statistical observation, when every department of our social life is under the surveillance of persons appointed to watch and record its doings, we can state with some preciseness the number of persons who subsist by breaking the laws of the land, and tell, with an approach to exactness, how often a particular offence against public order is committed. Our descendants will know how many of us lived by each of our honest industries, and how many by each of our criminal vocations. They will know to a nicety at what rate we increased, multiplied, and perished ; in what proportions we were divided amongst the various religious organizations, by what forms we married, and how many of us avoided wedlock. But it is not in our power to give such petty details of the social life of our distant ancestors. Although some of our recent explorers of archives and muniments have given us a far more minute account of the domestic doings of our mediæval forefathers than it appeared likely

thirty years since that we should ever obtain, we cannot look for any large addition to our knowledge of the lawless and unrecognized customs of feudal society. Whilst through the deficiency of records we are unable to say what proportion of the married persons of that period escaped from the ties of wedlock by the regular processes for terminating marriage, it is not strange that we are equally in the dark respecting the number of marriages that were dissolved by the irregular way of mutual private agreement.

Indeed it is less surprising that we know so little respecting the prevalence of irregular divorce than that we are able to point to a single minutely recorded instance of the usage.

The one famous and significant case, to which we refer, occurred in the later period of the thirteenth century. Edward the First was on the throne when John de Cameys, son and heir of Redulph Lord de Cameys, for unrecorded reasons, determined to liberate his wife from her conjugal obligations to him, and to transfer his marital authority over her to his friend, William Paynel, knight. The lady who on this occasion passed from one husband to another, was, like both her lords, of noble family. The daughter and heiress of John, Lord of Gatesde, she was a personage of wealth and importance, and subsequently displayed singular spirit in insisting on her right to dower out of her first husband's estate. It is obvious that she was not a woman to submit meekly and silently to anything that she regarded as an attempt to put an indignity upon her. Inexact writers are wont to speak of her as

having been sold by an insolent husband to a wealthy paramour; but there is no evidence that John de Cameys parted with her for the sake of money. The same inexact writers show their ignorance of one of the most noteworthy facts of the case, when they assert that her transference was accomplished without her consent. The circumstances on the record show that she concurred in the arrangement, which terminated her proper husband's intercourse with her, and consigned her to her chivalric knight, William Paynel. Nor did any of the parties to it evince any shame, or desire that the matter should be kept secret. The transference was made openly, by a legal deed to which John de Cameys affixed his seal, in the presence of numerous witnesses, seven of whom are mentioned in the document.\*

\* The deed of transference ran thus: '*Omnibus Christi fidelibus ad quos præsens scriptum pervenerit Joannes de Cameys filius et hæres domini Redulphi de Cameys salutem in Domino. Noveritis me tradidisse et dimississe spontanea voluntate mea domino Willielmo Paynel militi Margaretam de Cameys filiam et hæredem domini Joannis de Gatesden uxorem meam et etiam dedisse et concessisse eidem Willielmo, relaxasse et quietum clamasse omnia bona et catalla quæ ipsa Margareta habet vel de cætero habere posset, et etiam quicquid mei est de prædicta Margareta bonis et catallis cum pertinentiis suis, ita quod nec ego nec aliquis alius nomine meo in prædicta Margareta nec bonis nec catallis ipsius Margaretæ cum suis pertinentiis de cætero exigere vel vindicare poterimus nec debemus imperpetuum. Volo et concedo et per præsens scriptum confirmo quod prædicta Margareta cum prædicto domino Willielmo sit et maneat pro voluntate ipsius Willielmi. In hujus rei testimonium huic præsentī scripto sigillum meum apposui, his testibus Thoma de Keyeston, Joanne de Ferings, Willielmo de Trombe, Henrico le Broun, Stephano Camerario, Waltero Le Blound, Gilberto de Batecombe, Roberto de Bosco, et aliis.*'

Selden admits that, whilst the principals in this peculiar transaction were of noble family, its witnesses were of no obscure name.

The subsequent events, which procured for this perishable document an enduring place in our social history, proved that the Lady Margaret de Cameys, *alias* Paynel, regarded her part in the matter as no business for which she should blush. In the interval between her amicable separation from her first husband and his death, was enacted the law of 13 Edward I., which declared that a wife, guilty of deserting her husband of her own accord and living with another man, should forfeit her dower in the estate of the forsaken husband. On the death of John de Cameys, the Lady Margaret claimed the dower, assigned to her by him at the church porch, on the occasion of the wedding; and she declared that the act already mentioned was not applicable to the case of the wife, who left her husband at his desire. She did not deny that she had consented to the separation, and to that extent had of her own will left her husband. But her consent having been the consequence of his desire for separation, she had not left him against his will, and therefore had not forsaken him. He had by deed voluntarily surrendered her, and all his conjugal rights in her property, to another man; but she had never relinquished her claim to her dower. The lawyers were divided as to the merits of this widow's demand; and on three separate occasions Lady Margaret's claims came under the notice of the Sovereign in Parliament, before judgment was given definitively against her. The controversy respecting the gentle-

woman's case agitated the ladies of England greatly ; and during its continuance the plaintiff appears to have had her full share of social sympathy and encouragement. One of the noteworthy incidents of the futile litigation was the production of evidence that the Church, without insisting on their separation, had by decree of a bishop's court granted Lady Margaret and William Paynel purgation of the crime which their intercourse involved.

When Selden calls this separation a 'singular portent,' altogether discordant with the divorce law of the period, he merely states that it was a case of 'irregular divorcement.' That no similar case appears in our legal records is no evidence the affair was the solitary and altogether eccentric act of a few lawless individuals. For our knowledge of the matter we are not indebted to the deed, but to the litigation on a nice legal point which saved the contents of the deed from perishing like other purely domestic memoranda. It is reasonable to suppose that this 'singular portent,'—a transaction done in the open light of day by persons of high social condition, and in the presence of a number of respectable witnesses ; a transaction, moreover, in respect to which the lady felt no shame—was not the exceptional and unaccountable freak that Selden supposed, but a proceeding scarcely less common in practice than irregular in law.

The separations, by mutual consent, of irregular divorce, were not unfrequent amongst those of our mediæval ancestors, who, clinging to the old theory of matrimony, persisted in regarding marriage as a civil contract, terminable, like other partnerships, at

the will of the contracting parties. To avoid the cost of the processes of divorcement, sanctioned by the Church, or to free themselves from infelicitous unions which even the indulgent judges of the ecclesiastical tribunals would have declined to annul, such persons had recourse to the common irregular custom. Self-interest was always the foundation of these private arrangements for dissolution of wedlock; and it is probable that in the majority of them the consideration, which induced one or both of a pair of wedded spouses to part company, was a payment of money or a similar advantage.

Common usage prints its lessons so deeply in the popular mind that centuries are powerless to obliterate them; and the practice of bartering wives—a practice traceable to marriage by purchase, or at least to obvious deductions from that mode of matrimony—taught our commonalty to imagine that a husband had a legal right to sell his wife, provided that the sale were made openly and his wife sanctioned the proceeding by silence. He might not, it was imagined, dispose of her by a secret sale, because in that case there would be no satisfactory evidence of the wife's consent, without which their partnership could not be dissolved. But if she accompanied him to market voluntarily, and allowed herself to be sold with a halter round her neck, no injury was thought to be done her, since her acquiescence in the proceeding declared her readiness to part with her proper husband and become the conjugal partner of her purchaser. To this piece of folk-law is due the reputation which England has long enjoyed on the Continent, as a country where

wives may be bought and sold in open market. A marvellous instance of the vitality of popular errors is afforded by the fact that this ludicrous notion survived amongst our rudest and most ignorant people to the present century. In 1820, a man named Bouchet led his wife into the cattle-market at Canterbury, put her into a cattle-pen, offered her for sale, and actually sold her to another man for five shillings. Fourteen years later a similar case occurred at Birmingham, the place of sale being the open cattle-market; and only thirteen years have elapsed since a husband (1859) sold his wife at Dudley for sixpence, 'under the full belief,' says Mr. Robert Chambers, 'that by so doing she would have no further claim upon him for support.' These and a score similar cases of apparent wife-selling having actually occurred in our market-towns during the present century, it is not wonderful that our lively friends on the other side of the Channel believe that the English husband still possesses, and sometimes exercises, an ancient common-law right to sell his wife in open market.

But, though marriage was often terminated in mediæval England, with the wife's consent, by irregular divorce, it could not be dissolved thus lawlessly at the mere will of the husband. The English wife, in feudal times, had a zealous, though not always adequate, protector against marital cruelty in the priest, who was the keeper of her conscience and the sharer of her most secret thoughts. In discharging the functions of confessor to the married women of his flock, the parish-priest ascertained the terms on which they lived with their lords, and was never

slow to inform them of their conjugal rights, and of the means for defending them. Though he might be no subtle canonist, he always knew something of the rules and processes of the ecclesiastical courts; and the reverend man was all the more ready to use his legal knowledge for the advantage of suffering wives, because he in various ways derived benefit from every cause that he brought into his bishop's court.

On the other hand, if they were quick to procure redress for wives driven from their homes by masculine oppression, the mediæval clergy were strangely clever in discovering ways by which unhappy couples could get release from the fetters of matrimony with the Church's approval.

The reader of previous pages of this work does not need to be told that the same Church, that devised many artificial and vexatious restraints on wedlock, displayed corresponding ingenuity in converting the prohibitions against marriage into contrivances for facilitating divorce. It is well, however, that he should, in the present place, recall certain facts alluded to in my remarks on the ecclesiastical limitations of freedom of matrimony.

In theory the mediæval Church allowed of no divorce of the largest kind. For the correction of sin and the protection of sufferers from conjugal cruelty, she granted, under certain circumstances, the minor divorce, called in recent days judicial separation. But the full and complete liberation of divorce from the bond of wedlock—divorce permitting the separated persons to marry other spouses—was a measure of freedom which the Church could

not afford to mortals who had once entered the gates of true matrimony. Asserting the indissolubility of spousals, she could not consistently allow that veritable marriage, the fulfilment of spousals, was a contract capable of termination within the life of the parties to it. Hard and exceedingly severe rules usually generate contrivances for relaxing them in particular cases. It was so with the Church's assertion that marriage was a condition of life from which death was the only exit. Scarcely had she proclaimed this doctrine, when she found it necessary to modify it for the benefit of persons who had formed intolerable alliances. Had she insisted on her law, the laity of Christendom, in spite of their reverence for the Author and mysteries of their religion, would have revolted against her pitiless government. To mitigate hardships and to escape from difficulties of her own creation, she discriminated between real and spurious wedlock,—the true marriages, with respect to which she still adhered to the doctrine of the indissolubility of matrimony, and the false marriages, from which she permitted and required spouses to retreat, on the ground that the unions had been unlawful or imperfect *ab initio*.

The former kind of marriages comprised every matrimonial union of persons who, at the time of wedding, laboured under no canonical or natural disqualification for matrimony. The latter kind comprised all marriages contracted without special dispensation by persons forbidden to intermarry by the several canonical restraints on wedlock. It included the unions of persons who, at the time of marrying, were within the prohibited degrees of con-

sanguinity, affinity, or spiritual relationship ; the marriages of persons labouring under particular physical disabilities ; every matrimonial alliance that was defective by reason of the pre-contract of either party ; and every marriage that was unlawful at the time of its celebration by reason of the sin of either bride or groom. All these marriages were declared spurious, and, on receiving proof of their lawless origin, the Church annulled them, *i. e.* declared them mere nullities or semblances of wedlock, and therefore void, on being declared so, from the beginning.

We have already seen that a judicial nullification of matrimony, *i. e.* a decree declaring that an apparent marriage had never been a real marriage, differed materially from a divorce from the bond of matrimony, which terminates true and valid wedlock ; but for all practical purposes nullification was divorce. The laity of Christendom were quick to see this. The clergy and the operations of the ecclesiastical courts instructed them on the matter. To attain the liberty for which they yearned, a husband and wife, wishing to separate on terms that would permit each of them to contract at once another marriage, had only to prove in a bishop's court that their union had been uncanonical. By discovering that they were first, second, or third cousins,—by demonstrating, with the aid of two conveniently pliant, if not corrupt, witnesses, that at the time of their wedding one of them was pre-contracted to a third person,—by showing that on the marriage-day they stood within the prohibited degrees of spiritual affinity,—or by a confession that either of them had, before their union, held wicked intercourse with a

near relation of the other, — they could procure a judgment which would declare that they had never been married; that they were still bachelor and spinster, and free to contract matrimony in accordance with the rules of holy Church. To a couple bent on perfect liberation from a hateful union, it was always easy to discover grounds for a nullification, and seldom difficult to render those grounds apparent to an ecclesiastical judge. Two spouses bent on wedlock often experienced great difficulty in ascertaining that no impediments precluded them from valid intermarriage; but the impediments, which made their wedlock a nullity, were always readily discoverable to a husband and wife who had learnt to hate one another.

So early as the eleventh century, the Church, whilst insisting on the indissolubility of marriage, had afforded her children such facilities for divorce, and married persons availed themselves of those facilities with such alacrity, that the scandalous frequency of nullifications of wedlock was regarded with cordial disapprobation by the more austere chiefs of the hierarchy. At the Council of Clermont it was urged by these censors of the age that husbands, at the instigation of evil desire and with the help of the ecclesiastical tribunals, were daily repudiating their proper spouses, and contracting marriage with the wives of other men. That our ancestors of Edward the Second's time did not surpass the husbands of continental lands in fidelity to their earliest attachments and first wives, may be inferred from the terms in which a satirist of that period describes the prodigious traffic in divorce,

which enriched the officials of every bishop's court in the land. According to this witness, whose evidence is abundantly corroborated by concurrent testimony, any husband, 'having selver among the clerkes to sende,' could rid himself of his wife by 'bringing her to the constery,' *i.e.* consistory court, with two false witnesses to support his statements.\*

The language of the enactment (recited in a previous page of this work) by which Henry the Eighth swept away the Church's vexatious restraints on marriage, and the several instances already given in this work of the facilities for divorce afforded to the

\* 'If a man have a wyf,  
And he love her nowt,  
Bring her to the constery,  
There trewth schuld be wrowt.  
Bring twei fals wytnes with hym,  
And hymself the thrydde,  
And he shall be deperted,  
As fair as he wold bydde,  
                    From his wyf;  
He schal be maynteyned fulle well  
                    To lede a sory lyf.

When he is deperted  
From hys trew spowse,  
Take hys neyghboures wyf  
And bryng her to howse,  
Yif he have selver  
Among the clerkes to send,  
He may have hir to hys wyf  
To hys life's end,  
                    With onskylle,  
Thei that so fair with falseness dele  
                    Godde's corse on her bille.'—

*Vide* 'A Poem on the times of Edward II.' Percy Society Publications.

subjects of our Tudor sovereigns by the Church that declared the indissolubility of wedlock, are sufficient to show that in the sixteenth century marriage was not necessarily the life-long bondage that the words of the Marriage Service declared it to be. But they are only a small part of the evidence that, by the action of the clerical courts in annulling marriages, every canonical impediment to matrimony was made to operate like a turnstile gate, that, whilst acting as a barrier to persons entering a building, affords a means of egress to those who wish to leave it.

These facts should be considered by every young student of English history who would form a right judgment of Henry the Eighth's conduct to Catharine of Arragon, and understand how it was that, instead of offending his conscientious subjects by his desire for a separation from her, he possessed their perfect sympathy in his conflict with the Pope. Had he been the licentious monster that most of us in our youth were taught to think him, his people would have shown by silence, if not by indignant protests, their abhorrence of his immorality. Had they out of sheer cowardice (a quality for which our race has never been remarkable), and out of servile fear of the despot's resentment, forborne to declare their disgust at his wantonness, they would at least have refrained from applauding his wickedness. Their sullen speechlessness would have told the scorn they dared not put in words, which might bring them to the scaffold or the gallows ; and instead of being, as he was, the most popular European sovereign of his time, he would have encountered at every turn evidences of his people's detestation. Had Catharine,

on the other hand, been the wronged woman and barbarously ill-treated wife that modern idolaters have imagined her, the London populace might from timidity have forborne to cheer and shout their sympathy for her, as the crowd of George the Fourth's London cheered and shouted for Caroline of Brunswick ; but they would have found some safer, but not less eloquent, because, less turbulent, way of showing their pity for her wrongs, and generous hatred of her oppressor.

But it never occurred to Henry's subjects that he was a prodigy of vice, because, in his reasonable dissatisfaction with his first marriage he desired a more congenial and prolific wife ; or that his queen was the victim of a preposterous outrage, because she was asked to join with him in procuring a termination to their infelicitous union. As for Henry's part in the affair, they knew that he merely sought a liberation which would have been accorded to him as a matter of course by the Church, had he been no greater personage than a baron of the realm, a simple knight, or a well-to-do London merchant ;—ay, would have been granted to him as sovereign of England, without a single moment of delay or word of scruple, had his wife not been the near kinswoman of the Spaniard, of whom the great Pontiff stood in awe. To tell them that the only obstacle to the king's wishes arose from the Holy Father's care for the sacredness of the marriage vow, and his concern for domestic morality, was to rouse the scornful derision of Englishmen, who knew that the Church had, twice within the course of a few years, liberated their sovereign's sister from the bond of matrimony, on grounds that, if not ab-

solutely fictitious, were notably unsubstantial in comparison with the reasons for her brother's matrimonial separation. They could not reply temperately to hypocrites who averred that Henry was a dissolute and wicked man for wishing to do precisely what his subjects of all degrees were doing daily, in every part of the kingdom, with the Pope's cordial approbation and help. To Englishmen, regarding the subject from this point of view and by the light of daily experience, it seemed monstrous and unendurable that the King of England should be denied a liberty accorded to all his subjects, and should be debarred from making a second marriage for the safety of his house and the good of his people, because it was to the Spanish sovereign's interest that Henry of England should not have a male heir.

As for Catharine, it appeared to her husband's subjects that she played no queenly part in preferring her personal interests to the welfare of the nation; and that she was deficient in womanly spirit in obstinately refusing to release the husband whose love she had lost, and in declining to retire from a humiliating position on terms that would have secured her daughter's legitimacy, and also the child's title to the throne, in case Henry left no offspring of his own sex. It being customary for ladies in every social grade to consent to suits for the nullification of their marriages, and after separating from their lords to live in stately singleness without experiencing any diminution of social respect, an amicable separation, accomplished by the ordinary process of a fictitious plea and formal judgment, put no stigma of shame or any

shade of discredit on the woman who thereby surrendered her conjugal privileges. But Catharine would not even consent to a proposal that would have enabled Henry to re-marry, without submitting her to the annoyance of knowing that her wedding had been nullified. Under these circumstances it is not wonderful that our ancestors had no pity for her vexation, and, instead of regarding her as the victim of marital cruelty, exclaimed bitterly against her malice, indelicacy, and selfishness.

## CHAPTER XXIII.

DISSOLUTION OF PARTNERSHIP : THE ANGLICAN  
REFORMERS.

By sweeping away all the canonical restrictions on matrimony that were not ordered by Scripture, the statute, 32 Henry VIII. c. 38, increased greatly the freedom of marriage, and at the same time destroyed liberty of divorce. It rendered wedlock easier of entrance, but closed all the many gates which had hitherto afforded spouses the means of escape from conjugal wretchedness. Instead of being a theological fiction and mere theory of the canonists, indissolubility of marriage became a rigid law and stern social fact. The Elizabethan jest, that compared matrimony to a public rout, was no less applicable to wedlock in Catholic than to marriage in Protestant England; but whereas our ancestors before the Reformation could always get out of the press by a few permissible falsehoods and the payment of money, the marriage law of Protestant times declared that, having once forced their way into the crowd, they should remain in it till death came to their relief.

The chiefs of the Protestant party in Edward the Sixth's time had no wish to perpetuate the state of

things directly consequent on Henry the Eighth's abrogation of the non-scriptural prohibitions on marriage. Strongly disapproving the excessive liberty of divorce which the ecclesiastical tribunals had for generations afforded to society, they were not less unanimous in condemning the doctrine of the absolute indissolubility of wedlock. If it was wrong on the one hand to allow husbands and wives the liberty of separating on frivolous pretexts, and to provide the fortress of marriage with numerous gates of egress, whose double locks obeyed the pass-keys of perjury and corruption; it was on the other hand no less hurtful to society and impious to God to constrain a pair of human creatures, in the name of religion, to persevere in an association, that could not accomplish the highest purposes of matrimony, and debarred the ill-assorted couple from the serene and wholesome pleasures of Christian life.

This was the view of the Anglican leaders, who had grounds for fearing that, if a moderate liberty of divorce were not allowed to married persons, the denial of the requisite freedom would result in general dissoluteness of manners. Rather than make trial of a condition of life from which there was no retreat, men and women would defy the censures of the Church, and form domestic alliances that had no religious sanction. To prevent this deplorable evil, and to provide as far as possible that an estate, instituted for the moral good no less than for the physical comfort of mankind, should not increase the wretchedness or strengthen the wicked propensities of wedded people, the Protestant divines and statesmen recommended that complete separation from the bond

of marriage should be within the reach of all persons who, for grave and weighty reasons, wished to withdraw from matrimony. By 2 and 3 Edward the Sixth, c. 23, the legislature repealed that part of Henry the Eighth's law which abolished the matrimonial impediment of pre-contract. And probably the fear that this revival of a dangerous rule might result in a renewal of the old corrupt and perjurious suits for nullification of marriage, quickened the reformers' desire for a satisfactory settlement of the demands for a prudently limited liberty of divorce.

Anyhow parliament took the matter in hand in the following year. By 3 and 4 Edward VI. c. 11, the Crown was empowered to appoint a commission of thirty-two persons, sixteen ecclesiastics and sixteen laymen, with authority to continue labours commenced in Henry the Eighth's reign, and to produce a complete code of ecclesiastical laws. It was provided that four of the sixteen ecclesiastical commissioners should be bishops, and that four of the sixteen lay-commissioners should be lawyers. The commission was duly appointed, and comprised the most learned divines and the soundest lawyers of the Protestant party. The manner in which it discharged its extremely difficult task deserves the warmest praise. Having carefully considered every matter referred to them for settlement, the commissioners intrusted their foremost ecclesiastical coadjutor to draw up their recommendations in a comprehensive and harmonious report; and the work, which under these circumstances proceeded from Cranmer's pen, was translated into Latin by those famous scholars, Sir John Cheke and Dr.

Haddon,\* in a style to which Sir James Mackintosh rendered a just tribute of admiration, when he called it 'a happy imitation of the clear method and elegant brevity of the Roman jurists.' Had Edward the Sixth's life been prolonged, this report of a Royal Commission, appointed on parliamentary authority, a report which may be termed a complete code of ecclesiastical laws, would have become the law of the land. But the youthful sovereign dying ere it had received the royal assent, and one of Mary's first acts being the repeal of the statute directing the appointment of the commission, the scheme, which under happier circumstances would have passed into our laws, became nothing more than a highly interesting record of what the Protestant legislators wished to accomplish on divers matters of the highest moment.

The commissioners' conclusions on matrimonial questions deserve particular attention. They command respect as the deliberate and carefully expressed sentiments of the wisest and most pious Protestants of their time and nation. A chief purpose of the commissioners, moreover, being to substitute an unobjectionable law of divorce for the abolished machinery of suits based and judgments delivered on fictitious pleas, their recommendations indicate the several kinds of miserable marriages which the ecclesiastical courts, whilst alleging fanciful or inadequate reasons for their action, had in reality dissolved on sufficient grounds and for proper ends.

\* *Vide* 'Reformatio Legum Ecclesiasticarum, ex Autoritate primum Regis Henrici 8 inchoata; deinde per Regem Edouardum 6, provecta, adauctaque in hunc modum, atque nunc ad pleniorum ipsarum reformationem in lucem edita.' 1571.

Whilst ordering that all marriages of children performed without the consent of parents or guardians should be invalid, the commissioners accorded to children, whose reasonable settlement in matrimony was hindered by the caprice and unkindness of their domestic rulers, the right of appealing to the ecclesiastical magistrate, who would correct the abuse of authority, and afford redress to its victims. Permitting persons of lawful marriageable years, in every degree and vocation of life, to enter the lines of matrimony, the framers of the code recommended aged women to forbear from marrying young men.\* In accordance with the spirit of this injunction an affluent widow, approaching her sixtieth year, might wed a sober layman or grave ecclesiastic of her own term of life; but she could not decently pledge herself to honour and obey a harum-scarum younger son in his twentieth year. Marriages effected by violence and fear were to be invalid. It was decreed that spiritual affinity should be no impediment to matrimony. Doing away with the minor divorce, *a mensâ et thoro*, commonly called judicial separation, the commissioners decided that the divorce *a vinculo matrimonii* should be the only kind of matrimonial severance known to English law, and

\* 'Quoniam matrimonium legitimus et pius usus est, et turpitudinem multorum flagitiorum excludit, illa quoties opus erit, modo rite fiant repeti posse volumus. Nec ullas personas cujuscunque sint conditionis, ordinis aut ætatis a nuptiis arcemus. Tamen Christianis fœminis quæ grandes sunt, et ætate multum propectæ consilium damus, et illas etiam magnopere cohortamur, ne se velint cum adolescentibus matrimonio conjungere, tumque liberos ex illis habere non possunt, tumque in illa levitate, magna sit et multiplex perversitas.'—*Vide* 'Reformatio Legum Ecclesiasticarum.'

that it should be granted in cases of extreme conjugal faithlessness; in cases of conjugal desertion or cruelty; in cases where a husband, not guilty of deserting his wife, had been for several years absent from her,\* under circumstances which justified her in concluding that he was dead; and in cases of such violent hatred as rendered it in the highest degree improbable that the husband and wife would survive their animosities and again love one another. But whilst allowing divorce in cases of irremediable antagonism between husband and wife, the ecclesiastical legislators expressly enjoined that this great concession should not be extended to wedded

\* ‘*Divortium propter nimis longam conjugis absentiam.—Quando non aufugerit conjunx, sed militiam aut mercaturam aut aliquam habet hujusmodi legitimam et honestam peregrinationis suæ causam, et abfuerit diu domo, nec illius vel de vitâ vel quicquam certo sciatur, largientur alteri conjugi judices (si quidem hoc ab illis requirat) biennii vel triennii spatium in quo mariti reditum expectet. Quo tempore toto si non revertatur, nec de vita possit illius aliquid esse explorati, cum diligentissimè de ea fuerit interim perquisitum, alteri conjugi novas concedi nuptias æquum est, cum hac tamen conditione prior ut maritus, si tandem se representet, uxor illum rursus ad se recipiat, si quidem ostendere posse sua culpa factum non esse quod foras tam diu peregrinatus sit; tantam etiam et tam longi temporis absentiam nisi plena magnaue cum ratione possit excusare, custodiam in perpetuam carceris dimittatur, nullum ad uxorem reditum habeat, et illa secundis in nuptiis rite permaneat.*’—*Vide ‘Reformatio Legum Ecclesiasticarum.’* Describing the extreme and incurable hatred which in their opinion rendered divorce advisable, the commissioners say, ‘*Inter conjuges si capitales intercedant inimicitiae tamque vehementer exarserint, ut alter alterum aut insidiis aut venenis appellat, aut aliqua vel aperta vi, vel occulta peste, vitam velit eripere, quamprimum tam horrible crimen probatum fuerit, rite in iudicio divortio volumus hujuscemodi personas distrahi.*’—*Vide ‘Reformatio Legum Ecclesiasticarum.’*

spouses whose quarrels, though frequent and distressing, were neither incessant nor in the highest degree vehement. 'Parvæ contentiones,' they observed, 'nisi perpetuæ sint, divortium non inducunt.'

Whilst granting divorce to marriages rendered odious by the perpetration of the gravest of all offences against conjugal morality, the Commissioners were careful to provide that no such marriage should be dissolved in which both parties were in that respect guilty. They also ordered that, on the dissolution of any such marriage, the innocent party alone should acquire the right to contract matrimony again. It is almost needless to say that the framers of the code ordered that no wedded person should presume to be the judge in his or her cause, and to leave his or her spouse, without the permission of an ecclesiastical tribunal.

Some of their minor ordinances on matters connected with matrimony are, also, curious if not important. For instance, with masculine indifference to the many cases where nature would render it impossible for mothers to obey the injunction, they ordered that Christian women should nourish their babes without the assistance of wet-nurses; and they were at pains to declare that deaf and dumb persons were not precluded by their natural disabilities from marrying, because they could exchange the binding promises by signs.\*

Since the temptations to certain kinds of wickedness would be greatly diminished by the afore-

\* 'Mutis ac surdis, qui mente consistunt matrimonium permittimus, quoniam signis inter se voluntatem et consensum testificari possunt.'—*Vide* 'Reformatio Legum Ecclesiasticarum.'

mentioned liberal concessions of liberty of divorce, Edward the Sixth's advisers were all the more justified in assigning extremely severe punishments to several heinous offenders, whose abominable practices have never been rightly dealt with by English law, excepting in the years of Puritan ascendancy in the seventeenth century. They ordered that the betrayer of a virgin should be excommunicated until he had married his victim, if it was in his power to wed her; or until he had assigned to her a third of his property, or made some other sufficient arrangement for the support of her offspring, in case some insuperable legal impediment prevented him from marrying her.

The Anglican reformers had no pity for the perpetrators of the most flagrant kind of conjugal wickedness. It was ordered that the husband convicted of breaking the seventh commandment (if a layman) should restore to his injured wife whatever possessions she had brought him, and also surrender to her one half of all his other property. He was, moreover, sentenced to exile or imprisonment for life. Convicted of the same offence, the wife lost her dower and all interest in her husband's property, and was consigned to life-long imprisonment or banishment. Even more stern towards clerical delinquents, they decreed that every priest or other clergyman, convicted of the afore-named crime, or incest, or the immorality called in Latin '*scortatio*,' should be punished with total deprivation of property and of power to hold an ecclesiastical benefice, and with consignment to perpetual exile or incarceration. If he had a wife or children, it was ordered that his

property should go to them ; if he had none, his goods were to be given to the poor, or devoted to some other pious use.

The code of the Commissioners, as we have already seen, never came into operation. But it may not be inferred that our law henceforth insisted rigidly on the indissolubility of wedlock. In the later years of Edward the Sixth's reign, and again in Elizabeth's time, from the commencement of her rule till the year 1602, it was held by our spiritual lawyers that an innocent person, separated by a decree of an ecclesiastical judge from a faithless partner, might re-marry during the life of the latter. The case which occasioned this modification of the old and severe rule of the Church, was that of Parr, Marquis of Northampton, who, on being separated from his infamous wife, Anne Boucher, contracted a second marriage with Elizabeth Brooke, daughter of Lord Cobham. A commission of Protestant canonists had been appointed to deliberate on the Marquis's case, and decide whether he could righteously proceed to this second contract : but before they had given their answer, Elizabeth Brooke, yielding to her suitor's impatience, had become Marchioness of Northampton. When it came, the tardily delivered judgment of the Commissioners confirmed the marriage, and excused the lovers' precipitancy. It declared the second union valid, because the former contract had been absolutely destroyed by Anne Boucher's infidelity. The Act of Parliament which adopted the Commissioners' decision, was, indeed, repealed in Mary's time ; but under Elizabeth that decision was deemed good law until

the 44th year of her reign, when Bancroft's declaration of the law of the Church in Foljambe's case restored the ancient state of things under which the ecclesiastical divorce, in cases of breach of the seventh commandment, was a mere judicial separation *a mensâ et thoro*, that accorded no liberty of re-marriage to either of the separated persons.

The domestic trouble over which the readers of Mr. Tennyson's beautiful 'Enoch Arden' have shed hot tears of compassionate sympathy, was an affair of frequent occurrence amongst our ancestors of the Elizabethan period, when a large proportion of our well-born younger sons embraced the merchant-adventurers' honourable profession, and pursued fortune by a way of life in which the daring often failed, and none but the very brave and resolute could hope for success. Leaving his wife and babes in England—in some bustling city or picturesque village, and under the guardianship of some near kinsman, say a merchant of London or Bristol, or an elder brother who had inherited the ancestral manor-house and acres—the merchant-adventurer crossed the vast Atlantic deep in his smart, sound, well-manned vessel, prepared for perils unknown to the seafarers of the present century. An explorer of unexamined shores, as well as a voyager to known settlements, he often worked his way round stormy, rock-bound headlands along which no English craft had ever before coasted. He made his observations and his charts as he went, keeping a sharp look-out for undiscovered or unappropriated islands, of which it would be well for him to take possession in his sovereign's name. He carried his

life and honour in the ship that bore his sweetheart's name, and though he would never surrender the one, he knew that the other might slip from him at any moment. A mutinous sailor might put a lump of lead into his head. He might perish in a fight with yelling Indians. In five minutes he might drive right upon the hidden reef that was destined to wreck his gallant boat. He might cross the Spaniard's path, fight him gallantly, but in vain, and never again look at the white cliffs of Old England until he had passed a score years in slavery. Or he might be thrown on a desert island, and not return to Bristol, or London, or dear Lucy in the old home, until he had grown a white-bearded veteran, and been mourned for as one dead and buried, under ground or under water, for a quarter of a century. It often happened that such an adventurer closed a long drama of romantic exploits and marvellous vicissitudes by arriving at his own house on English soil, to find it in the hands of his wife's second husband.

When Raphe Goodchilde, 'of the parish of Barking, in Thames Street,' after a long absence from home on his lawful business, returned in the first year of James the First's reign to his proper abode, he found that his darling wife, Bessie, believing him to have died in foreign parts, had worn mourning for him, laid it aside, and become the wife of some Philip Ray. Instead of slinking off to the nearest public-house, and telling the landlady how badly he had been treated, Raphe Goodchilde crossed his threshold, had an explanation with Bessie, and, finding that he was still the 'captain of her dreams,' politely

requested Philip to move off. Like a sensible woman, Bessie begged her proper master's pardon, and Raphe forgave her for her precipitancy towards Philip. Like prudent folk, also, that the world might know all it had need to know about the matter, Raphe and Bessie went through a ceremony of reconciliation at the church of St. Mary Magdalén, Bermondsey, Surrey; in the presence of William Steere, parson, Richard Eyers, clerk, and Edward Coker, *amicus conjugum*, and a goodly congregation. At this ceremony, which was a kind of re-marriage, Raphe said aloud, 'Elizabeth, my beloved wife, I am right sorie that I have so long absented myself from thee, whereby thou shouldest be occasioned to take another man to be thy husband. Therefore, I do now vowe and promise, in the sight of God and this company, to take thee again as mine owne; and will not onlie forgive thee, but also dwell with thee, and do all other duties unto thee, as I promised at our marriage.' Whereto Bessie answered, 'Raphe, my beloved husband, I am righte sorie that I have in thy absence taken another man to be my husband; but here, before God and this companie, I do renounce and forsake him, and do promise to keep mysealfe onely to thee during life, and to performe all the duties which I first promised to thee at our marriage.' After which Raphe and Bessie embraced and kissed one another, and went away with their friends to a merry dinner in Thames Street.\* The record of this

\* The year of Raphe Goodchilde's re-appearance was also the year in which James the First, with the advice and authority of his Parliament, made bigamy a capital felony. Mindful of an affair that had caused much excitement in general society, as well

pleasant reunion may be found in the parish register of St. Mary Magdalen, Bermondsey.

Had the Reformers' ecclesiastical code become the law of the land, Elizabeth Goodchilde would not

as in Elizabeth Goodchilde's private circle, the legislature, whilst consigning wilful bigamists to death, excepted from the operation of the new law all persons who committed bigamy under the circumstances of Mistress Goodchilde's mistake. "Provided always, that, neither this Act, nor any thing therein contained, shall extend to any person or persons, whose husband or wife shall be continually remaining beyond the seas by the space of seven years together, or whose husband or wife shall absent himself or herself, the one from the other, by the space of seven years together, in any parts within His Majesty's dominions, the one of them not knowing the other to be living at the time."—*Vide* 1 Jacob. I. c. xi. 'An Act to restrain all persons from marriage until their former wives and former husbands be dead.' Bigamy is an old word, but its present use, to designate polygamy, is modern. In mediæval England a male bigamist was a person who, after his first wife's death, made a second marriage. The widower, who thus acted in defiance of the Church's disapprobation of second marriages, was regarded as a dangerous libertine, if not as a positive criminal; and in Edward the First's time he was debarred from pleading benefit of clergy if he were convicted of a felony. Barrington says, 'The Statute of Bigamy, 4 Edw. I. A.D. 1276. The title of this statute hath no kind of relation to the greatest part of its contents. The fifth chapter takes away the benefit of clergy from him who is a bigamist, or who hath married a second wife after the death of the first; as for polygamy, it hath not been made penal by any statute till the time of James the First. A canon of Pope Gregory the Tenth had taken away all clerical privileges from a bigamist, as the marrying of a second wife was considered by the Ecclesiastical Law to be proof of a most incontinent disposition; this regulation having been adopted in England, the clergy had a doubt whether a person, who had been guilty of this offence before the Canon Law took place, might claim the indulgence of the Common Law; this statute, therefore, retrospectively declares he shall not be entitled to such privilege.'—*Vide* Barrington 'On the more Ancient Statutes.'

have married again without the authorization of the ecclesiastical court. When her husband's long absence and silence had caused her to despair of ever seeing him again, and affection for Philip Ray had inspired her with desire for a second alliance, she would have laid her case before the judge of the consistory court. On ascertaining that the circumstances of her husband's departure and absence justified her in believing herself a widow, the judge would have named a term of two or three years as a period of expectation, during which she would have continued to await her husband's re-appearance, and would have renewed her endeavours to get tidings of him. On the expiration of the term, had she still had good grounds for thinking him dead, she would have obtained the judge's permission to marry Philip Ray on the understanding that, if her husband should eventually re-appear, and show himself not culpably accountable for his absence and silence, she would return to him, if he wished her to do so, and desert Philip. It was also provided by the drawers of the code that, if the husband of a woman thus authorized to marry again should re-appear after her second nuptials, and be unable to give a satisfactory account of his absence and reticence, she should not resume her former relation towards him, and he, losing all marital claim to her, should be imprisoned for life.

The reader will be prepared to hear that Edward the Sixth's Commissioners believed themselves to have good scriptural justification for their apparent disregard of the limitation which our version of the Scriptures assigns to liberty of divorce. Some of them were of opinion that the well-known limitation

was applicable only to the Jews. Others of them held that the particular word, which is supposed to confine the privilege of matrimonial separation to marriages dishonoured by one grievous kind of conjugal faithlessness, was harshly and erroneously rendered by our translators. The word might be taken to signify any serious defect of body. It might be construed as some serious mental or moral disability that rendered companionship with the victim of it highly offensive. Even by those who accepted our translators' rendering of the word, it was urged that our Saviour's answers on question of divorce were to be accommodated to other passages of Scripture, that expressly permitted divorce for other reasons besides the particular violation of the marriage vow.

And on this important matter the Commissioners agreed with the most learned of the Protestant theologians. Martin Bucer maintained that the Scriptures not only authorized, but even enjoined the dissolution of every marriage in which the husband and wife did not 'love one another to the height of dearness,' or in which the husband could not rightly govern and cherish the wife, or the wife was flagrantly disobedient and unprofitable to her lord, or in which either party 'defrauded the other of conjugal benevolence.'\* According to this reverend

\* 'The properties of a true and Christian marriage more distinctly repeated. By which definition we may know that God esteems and reckons upon these four necessary properties to be in every true marriage:—1. That they should live together, unless the calling of God require otherwise for a time. 2. That they should love one another to the height of dearness, and that in the Lord and in the community of true religion. 3. That the husband bear himself as the head and preserver of his wife, instructing

teacher, mere distaste for a wife, if it amounted to a repugnance which rendered him unable to love her thoroughly, justified a husband in putting her away. In defence of this startling doctrine, the professor adduced a passage of Malachi,\* which he rendered in a way very different from that of our modern version of the Prophet. As for the Saviour's

to all godliness and integrity of life, and that the wife also be to her husband a help, according to her place, especially furluring him in the true worship of God, and next in all the occasions of civil life. And 4. That they defraud not each other of conjugal benevolence, as the Apostle commands (1 Cor. vii.). Hence it follows, according to the sentence of God, which all Christians ought to be rul'd by, that between those who, either through obstinacy or helples inability, cannot or will not perform these repeated duties; between these there can be no true matrimony, nor ought they to be counted man and wife.—*Vide* Martin Bucer's 'Judgment touching Divorce,' addressed to Edward the Sixth.'

\* 'In Mal. ii. 15, 16, is read the Lord's command to put her away whom a man hates, in these words: "Take heed to your spirit, and let none deal treacherously against the wife of his youth. *If he hate, let him put away*, saith the Lord God of Israel. And he shall hide thy violence with this garment, that marries her divorc't by thee, saith the Lord of Hosts; but take heed to your spirit and do no injury." By these testimonies of the Divine Law, we see that the Lord did not *only permit, but also expressly and earnestly* commanded his people, by whom he would that all holiness and faith of marriage covenant should be observed, that he who could not induce his mind to love his wife with a true conjugal love might dismiss her, that she might marry to another.'—*Vide* Martin Bucer's 'Judgment touching Divorce.' Bucer's rendering 'If he hate, let him put away,' and another similar translation, 'If he hate her, put her away,' are strangely discordant with the words of our modern Bible, 'Therefore take heed to your spirit, and let none deal treacherously against the wife of his youth. For the Lord, the God of Israel, *saith that he hateth putting away*: for one covereth violence with his garment, saith the Lord of Hosts: therefore take heed to your spirit, that ye deal not treacherously.'

alleged limitation of divorce to cases of a particular offence, the same theologian called attention to the passage in the seventh chapter of the first epistle to the Corinthians, which, treating of the unions of believers and misbelievers, 'grants just divorce and second marriage in the case of desertion.'

To Englishmen of the present day, accustomed to restraints that, because they were new rather than because they were really cruel, appeared unendurable in Edward the Sixth's time, Martin Bucer's sentiments and recommendations respecting divorce are startling and even horrifying. Reasonably jealous for the security of the matrimonial estate, and taught by our experience at home and our observation of social phenomena in other lands to recognize the beneficent operation of restrictions which bridle wanton desires, and constrain the partners of every wedlock to control their tendencies to irritability, and accommodate themselves to one another by the exercise of mutual forbearance and considerateness, we are dismayed and outraged by the theologian's proposals. Whilst considering them we are apt to misjudge the party of whom the teacher was a chief spokesman, and even to attribute to it abominable designs on social order and familiar morals. It is certain that if any living English writer should urge us to overcome our prejudices, and accord to husbands the power of putting aside their wives for the reasons which Bucer thought justificatory of divorce, he would be silenced by one universal cry of abhorrence and disgust rising from every well-ordered home of the land. Those who should forbear to denounce him as a prodigy of wickedness would deride him as a madman.

## CHAPTER XXIV.

## DISSOLUTION OF PARTNERSHIP IN RECENT TIMES.

By those who would know the men and manners of England in the sixteenth and seventeenth centuries it should, however, be borne in mind that the reformers' sentiments were acceptable to a large proportion of the most virtuous and devout persons of those times. It is strange, but true and very noteworthy, that the pious Milton—the most popular of sacred poets, whose greatest work is found side by side with the Bible and manuals of religious exercise in every educated Englishwoman's collection of choicest books—held opinions on marriage and divorce that are now-a-days regarded as execrably atrocious. His four works\* on divorce—published during his separation from Mary Powell—show that he not only agreed cordially with Martin Bucer's conclusions, but went beyond him and the other reformers of King Edward's day in his demands for perfect conjugal freedom. No libertine, for the sake

\* Of these works, three were original compositions, and one was the poet's edition of Martin Bucer's 'Judgment touching Divorce.' The arguments of Milton's 'Doctrine and Discipline of Divorce,' 'Tetrachordon,' and 'Colasterion,' should be carefully perused by every person who wishes to realize the familiar life of our seventeenth century ancestors with respect to the relations of the sexes.

of wickedness and gratification of low desire, ever demanded greater license in marriage than Milton in the name of religion demanded for Christian men, in order that they might find meet-helps, and escape the grievances of uncongenial wedlock. That his sole aim was the attainment of domestic purity and happiness there can be no question; but it is certain that the liberty, which he and men of similar righteousness would have used for good ends, the wicked would have abused for the worst purposes. It is astounding that he could not see the revolting evils which would have flowed in upon society from a change of law allowing every man the liberty of repudiating his wife at his own pleasure, and on his mere reference to his own sense of the fitness of things.

Nor may it be supposed that Milton's recommendations of perfect license in divorce proceeded from irritation at his foolish little wife, and did not represent his calmer judgments. It is true that his domestic trouble first turned his attention to the laws of marriage, and impelled him to publish his unqualified condemnation of them. But he was no man to allow his private annoyance and resentment to enslave his intellect and deaden his conscience. What he wrote in his grief and solitariness concerning marriage, he adhered to after Mary Powell returned to his arms; and it is known that to the close of his life he regarded with approbation the arguments of the 'Doctrine and Discipline of Divorce' and the 'Tetrachordon.'

As for the alleged scriptural limitation of divorce, Milton, like some of Edward the Sixth's reformers, insisted that the Scripture sanctioned divorce, for a

wife's want of mental pleasantness or personal gratefulness, by the very word which is supposed to render it the special punishment of the grossest infidelity.\* The highest objects of marriage being the spiritual health and mental delight of mankind, the poet maintained that a good man should withdraw from an alliance in which he could be neither contented nor virtuous. Wedlock, that failed to accomplish its finer purposes, was no true matrimony, 'but a kind of animal and beastish meeting,'† in which no religious person should remain. Contrariety of temper was of all misfortunes the one most likely to

\* 'The cause of divorce mentioned in the law is translated *some uncleanness*, but in the Hebrews it sounds nakedness of ought, or any real nakedness, which by all the learned interpreters is referred to the mind as well as to the body.'—*Vide* Milton's 'Doctrine and Discipline of Divorce.'

† 'To remove, therefore, if it be possible, this great and sad oppression, which through the strictness of a literal interpreting hath invaded the dearest and most peaceable estate of household society, to the overwhelming of many Christians better worth than to be so deserted of the Churches' considerate care, the position shall be laid down, first proving, then answering what may be objected either from Scripture or light of reason. That indisposition, unfitness, or contrariety of mind, arising from a cause in nature unchangeable, hindring, and ever likely to hinder, the main benefits of conjugall society, which are solace and peace, is a greater reason of divorce . . . . I suppose it will be allowed us that marriage is a human society, and that all human society must proceed from the mind rather than the body, els it would be but a kind of animal or beastish meeting: if the mind, therefore, cannot have that due company by marriage that it may reasonably and humanly desire, that marriage can be no society, but a certain formality, or guilding over of little better than a brutish congresse, and so in very wisdom and purenesse to be dissolved.'—*Vide* Milton's 'Doctrine and Discipline of Divorce.'

convert matrimony, that promised fairly at the outset, into a 'brutish congresse,' from which the righteous should retire without delay. Few conditions of life were so fruitful of misery and moral degradation as that of a man whose wife refused to bear herself towards him with proper submissiveness.\* The husband who deserted such a woman did not seek his own earthly happiness so much as the joys of holy living. Instead of reflecting on Henry the Eighth's behaviour to Anne of Cleves with disapprobation,† Milton cited the sovereign's insolent repudiation of that lady as an illustration of his regal wisdom and excellence. Marriage being a mere civil contract,‡ it was right and advisable to put an end to it

\* 'What an injury is it after wedlock not to be beloved, what to be slighted, what to be contended with in point of house-rule; who shall be the head, not for any parity of wisdom, but out of female pride. "I suffer not," saith St. Paul, "the woman to usurp authority over the man."—*Vide* 'Doctrine and Discipline of Divorce.'

† 'Hence it is that the law forbidding divorce never attains to any good end of such prohibition, but rather multiplies evil. For if nature's resistlesse sway in love or hate be once compelled, it grows carelesse of itselfe, vitious, uselesse to friend, and spiritlesse to the Commonwealth, which Moses rightly foresaw, and all wise lawgivers that ever knew man, what kind of creature he was. The parliament also, and clergy of England, were not ignorant of this, when they consented that Harry the 8th might put away his Queen Anne, of Cleve, whom he could not like after he had been wedded half-a-year.'—*Vide* 'Doctrine and Discipline of Divorce.'

‡ 'Now it is not natural that Hugh marries Beatrice, or Thomas Rebecca, being only a civill contract, and full of many chances; but that these men seek them meet help-meets, that is only natural, and that they espouse them as such, that is only marriage. But if they find them neither fit helps, nor tolerable society, what thing more natural, more original, and first in nature than to depart from that which is irksome, grievous,

like any other mundane partnership, whenever to continue in it became highly inconvenient to the principal partner. But, because it was well to put an end to unhappy marriages, it did not follow that they should be dissolved by formal decree of a law-court, and after a judicial inquiry for the causes of discontent. The poet's delicacy was shocked, his humanity outraged, by the bare suggestion that a woman, guilty of no worse offence than incapacity to please her lord and master, should be dragged into a court of justice, questioned openly respecting her short-comings, and then publicly degraded from the conjugal rank.

He could not suffer that a mere private delinquent should be treated like a public criminal. She should be repudiated in her husband's parlour, not exhibited as a spectacle for gossips, and a creature to be badgered by 'hired masters of tongue-fence,'\* and

actively hateful, and injurious even to hostility, especially in a conjugal respect, wherein antipathies are invincible, and where the forc't abiding of the one, can be no true good, no real comfort to the other? For if he find no contentment from the other, how can he return it from himself, or no acceptance, how can hee mutually accept? What more equal, more pious than to untie a civill knot for a natural enmity held by violence from parting, to dissolve an accidental conjunction of that man and woman for the most natural and most necessary disagreement of meet from unmeet, guilty from guiltless, contrary from contrary.' — *Vide* Milton's 'Tetrachordon.'

\* 'For ev'n the freedome and eminence of man's creation gives him to be a law in this matter to himself, being the head of the other sex which was made for him, whom, therefore, though he ought not to injure, yet neither should he be forc't to retain in society to his overthrow, nor to hear any judge therein above himself. It being also an unseemly affront to the sequestr'd and vailed modesty of that sex to have her displeasingnesse and other

'fee'd gamesters.' The repudiation should be the result of a strictly private trial, in which the husband discharged the function of prosecutor, furnished the evidence, and played the part of judge. It was declared preposterous, that the wife should have any right to appeal from his judgment to a higher tribunal, or that he should be required to submit his case to any human authority save himself. It was enough that knowing his own grievances, and the pain caused by his pinching shoe,\* he should be at the same time his own and his wife's judge. Milton did not close his eyes to the probability that some husbands would abuse the authority he claimed for them, and repudiate unoffending wives in sheer wantonness. But even in such cases he urged that liberty of divorce would be guilty of no injustice or injury to womankind. The injustice of a wicked repudiation would be not the law's, but the man's, injustice, for which he would have to

concealments bandied up and down, and aggravated in open court by those hired masters of tongue-fence.'—*Vide* 'Doctrine and Discipline of Divorce.'

\* 'It is true, an adulteresse cannot be sham'd enough by any publick proceeding; but that woman, whose honour is not appeacht, is lesse injured by a silent dismission, being otherwise not illiberally dealt with, then to endure a clamorous debate of utterless things in a businesse of that civill secrecy and difficult discerning, as not to be over-much questioned by nearest friends. Which drew that answer from the greatest and worthiest Roman of his time, Paulus Emilius, being demanded why he would put away his wife for no visible reason, "This shoo," said he, and held it out on his foot, "is a neat shoo, a new shoo, and yet none of you know where it wrings me;" much less by the unfamiliar cognizance of a fee'd gamester can such a private difference be examined, neither ought it.'—*Vide* 'Doctrine and Discipline of Divorce.'

answer to the Almighty. As for the woman, he remarked naively, it could be scarcely said that the repudiation would injure her, since it would free her from the dominion of an unjust man.\* The law, which required her to live with the man who disliked her, was distinctly injurious to the wife; but masculine liberty of divorce would benefit her. It is significant of Milton's temper, and also of the spirit of his masculine contemporaries towards womankind, that, whilst he claimed liberty of divorce for his own sex, he was altogether silent about the corresponding right of wives to repudiate their husbands. The poet, whose Adam prayed the Almighty to give him an *equal-inferior* for his companion in the happy garden, does not appear to have conceived it possible for a woman in her right mind to wish to put away her lord and master.

In behalf of that canon law, which Bucer assailed with theological virulence and Milton attacked with scholarly ridicule, it may at least be said that its provisions were upon the whole enacted in favour of womankind; and that, though in post-Reformation England it may have occasioned much misery to

\* 'The law can only appoint the just and equall conditions of divorce. and is to look how it is an injury to the divorc't, which in truth it can be none, as a meer separation: for if she consent, wherein has the law to right her? or consent not, then is it either just and so deserv'd; or if unjust, such in all likelihood was the divorcer, and to part from an unjust man is a happinesse, and no injury to be lamented. But suppose it be an injury, the law is not able to amend it, unles she think other than a miserable redress to return back from whence she was expelled, or but intreated to be gone, or else to live apart, still married without marriage, a married widow.'—*Vide* 'Doctrine and Discipline of Divorce.'

both sexes by denying to them escape from various kinds of miserable wedlock, it put strong chains on masculine licentiousness, and afforded married women security from much abominable maltreatment that wicked husbands would have otherwise inflicted upon them.

The old canon law, which insisted on the indissolubility of true marriages, and afforded, even in cases of adultery, no larger divorce than the separation *a mensâ et thoro*, having been revived at the close of Elizabeth's reign, our ancestors lived for several generations under a matrimonial law of unexampled rigour and narrowness. The gates of exit from true matrimony had all been closed, with the exception of death. Together with the artificial impediments to wedlock, the Reformation had demolished the machinery for annulling marriages on fictitious grounds. Henceforth no man could slip out of matrimonial bondage by swearing that he was his wife's distant cousin, or had loved her sister in his youth, or had before his marriage stood godfather to one of her near spiritual kindred. The law of pre-contract was revived; but there had always been much difficulty in giving a sufficient appearance of honesty to a suit for nullification of marriage on a false plea of pre-contract; and after the Reformation, when the whole system of fictitious pleadings and hypocritical judgments in matrimonial causes had been done away with, the ecclesiastical judges lost and never regained their old cleverness in believing what was incredible, and seeing what was not apparent. In the seventeenth century, therefore, the unhappy husband had excuses for immorality,

which the dissolute spouses of Catholic England could not plead in palliation of their offences. This fact should be borne in mind by the young student, when he surveys and passes judgment on those evidences of the domestic immorality of England under the Stuarts, about which some of our recent historians have written so much and so warmly. The stringent marriage-law, which the Reformation had fixed upon society in spite of the indulgent intentions of the leading reformers, had a most prejudicial effect on household morals. The profligacy of Charles the Second's court and town is far more referable to the restraints on divorce, than to the revolt against Cromwellian Puritanism. The triumphant revolt against the saints no doubt brought frivolous diversions and worldly pleasures once again into fashion ; but had they had the same facilities of divorce and re-marriage which their forefathers enjoyed in Henry the Eighth's London, the noisy gentlemen and ladies of the Merry Monarch's galleries and antechambers would have broken the seventh commandment less frequently and shamelessly.

To moderate the rigour of the law towards persons of rank and wealth, the legislature, acting on precedents that occurred in the revolutionary times of the sixteenth century, reluctantly adopted the practice of passing special acts for the relief of individuals who, themselves innocent of conjugal infidelity, demanded complete separation from their unworthy partners in matrimony. There were obvious objections to this mode of dealing with a great social difficulty. Each enactment for the benefit of a single individual declared the injustice of

the law, from which it excepted the particular person. The procedure, which legalized in exceptional cases that which was forbidden by the law, was an awkward and grossly partial expedient. It in fact accorded to the wealthy and powerful the privilege which the law injuriously withheld from the needy and obscure. The injustice of the contrivance was, however, less apparent to Englishmen of the seventeenth and eighteenth centuries than it appeared to their descendants of the present generation, who substituted for the clumsy and unequal indulgence a well-known process in a court of law. The best defence of the obsolete contrivance for terminating unendurable marriages is that, without aggravating the wretchedness to which it yielded no remedy, it at least afforded relief to a few unoffending sufferers.

Parliament had accorded liberty of re-marriage, during his first wife's life, to Lord de Roos, when the Duke of Norfolk, in William the Third's time, petitioned the legislature for similar relief. But even so great a personage experienced great difficulty in gaining the freedom that he desired. Twice had his Duchess defeated his application to Parliament, when he took the wise course of demonstrating her guilt in the Court of King's Bench, by a suit that resulted in his favour. The lady's misconduct having been thus proved, Parliament, at the advice of Lord Chancellor Somers, granted the act of divorcement, which it had previously declined to give in the absence of satisfactory evidence of her guilt. Another famous affair of the same kind, which occurred at an earlier date of the same reign, was

the parliamentary petition for divorce of the Earl of Macclesfield, the story of whose wife's iniquity was told with generous fervour, but imperfect accuracy, by Samuel Johnson, in his memoir of her son, Richard Savage. The Earl, it is needless to say, obtained his prayer; but two lords, Halifax and Rochester,\* entered a protest on the books of the House of Peers against a decision which granted the complete divorce in a case, where no spiritual judge had previously separated the husband and wife.

During the eighteenth century, parliament grew more and more indulgent towards the sufferers from uncongenial wedlock; and acts of divorcement, granted on the application of luckless husbands and wives, became more frequent. No less than seventy suitors for parliamentary liberation from unsuitable matrimony obtained special acts in the first thirty-seven years of the present century. But barely fifteen years have passed since the institution of the Divorce and Matrimonial Causes Court put an end to divorces by special enactment, and relieved English society of the shameful imputation of denying to persons of humble estate the justice which it afforded to the affluent.†

\* 'Dissentient,—Because we conceive that this is the first bill of that nature that hath passed, when there was not a divorce first obtained in the Spiritual Court; which we look upon as an ill precedent, and may be of dangerous consequence in the future.—HALIFAX; ROCHESTER.'—*Vide* Books of the House of Lords.

† The flagrant injustice of the law in this respect was exhibited in all its grotesque barbarity by Judge Maule when, in an address to a poor prisoner in the dock, convicted of bigamy, he remarked with grave irony and solemn mockery,

It was predicted by mournful censors of the age that the establishment of the Divorce Court would

‘Prisoner, you have been convicted upon clear evidence ; you have intermarried with another woman, your lawful wife being still alive. You have committed the crime of bigamy. You tell me, and indeed the evidence has shown, that your first wife left her home and her young children to live in adultery with another man. You say this prosecution is an instrument of extortion on the part of the adulterer. Be it so. I am bound to tell you that these are circumstances which the law does not in your case take notice of. You had no right to take the law into your own hands. Every Englishman is bound to know that when a wrong is done, the law, or perhaps I should rather say the constitution, affords a remedy. Now, listen to me, and I will tell you what you ought to have done. Immediately you heard of your wife’s adultery you should have gone to an attorney, and directed him to bring an action against the seducer of your wife. You should have prepared your evidence, instructed counsel, and proved the case in court ; and recollect that it was imperative that you should recover, I do not mean actually obtain, substantial damages. Having proceeded thus far, you should have employed a proctor, and instituted a suit in the Ecclesiastical Courts for a divorce *a mensâ et thoro*. Your case is a very clear one, and I doubt not you would have obtained your divorce. After this step your course was quite plain : you had only to obtain a private Act of Parliament to dissolve your marriage. This you would get as a matter of course, on the payment of the proper fees and proof of the facts. You might then have lawfully married again. I perceive, prisoner, that you appear scarcely to understand what I am saying to you, but let me assure you that those steps are constantly taken by persons who are desirous to dissolve an unhappy marriage. It is true, for the wise man has said it, that “a hated woman, when she marries, is a thing that the earth cannot bear,” and that “a bad wife is to her husband as rottenness to his bones.” You, however, must bear the great evil, or must adopt the remedy provided by the constitution of your country. I see you would tell me that these proceedings would cost you £1000, and that all your small stock-in-trade is not worth £100. Perhaps it may be so. The law has nothing to say to that. If you had taken these proceedings you would have been free from your present wife, and the

result in such an exposure of the general wretchedness of married people, as would strike society with consternation, and put an end to matrimony by determining our bachelors and spinsters to refrain from entering so corrupt and miserable an estate. The event has certainly failed to justify the prophets. Our young people are just as favourably disposed to matrimony as ever they were. And though the business of the new court has been neither inconsiderable, nor devoid of cases that display the worst features of our domestic life, it must be conceded that the amount of wretchedness which it has brought to light is trivial in comparison with the felicity or common-place contentment of our millions of husbands and wives, who are never likely to appeal to it for redress, and who think so well of wedlock that they are chiefly desirous to see their offspring suitably married. On contrasting the small proportion of our wedded couples, who avail themselves now-a-days of their liberty of divorce, against the frequency with which marriages were nullified in feudal England, and against the evidences of conjugal disaffection and hatred in the seventeenth and eighteenth centuries, no reader will conclude that matrimony is less fruitful of happiness now-a-days than in the former times of our history.

woman whom you secondly married would have been a respectable matron. As you have not done so, you stand there a convicted culprit, and it is my duty to pass sentence upon you. You will be imprisoned for one day.'—*Vide* 'Law Magazine.'

## CHAPTER XXV.

## FAREWELL.

THE reader has surveyed the rise and progress of marriage in England from the period of violence, through the epoch of purchase, to the era of fascination. He has seen how, in the days of matrimony by purchase, the purely civil institution was clothed with dramatic forms and pleasant ceremonies, some of which survive to the present time. He has observed how the Church sanctified what had hitherto been an altogether secular arrangement; and how, whilst substituting mutual consent for sordid acquisition, and providing for womankind's security against masculine oppression, she beautified with gracious rites the contract that she elevated to sacramental dignity. He has remarked how the nuptial festival was gradually relieved of pleasant usages which, though picturesque and innocent, became inconvenient to recent civilization and distasteful to modern refinement. In the course of his survey, he has also seen the bride raised from the condition of a favourite slave to that of an enslaved favourite; and after watching her slow advance from qualified servitude to almost unqualified freedom, he beholds her at the present moment in the plenitude of her beauty and

goodness and mysterious strength. He has observed that, in proportion as woman ceased to be the slave, she became the perfect meet-help, of her conjugal partner; that freedom came to her, attended with virtues which never pertain to the bond-woman; that her power of inspiring love increased with the decay of man's right to demand from her a servile deference; that man never in old time worshipped her in the true and rightful sense of the word, so generously, and completely, and enthusiastically, as he does now, when she is no mere slave of his caprice: and that he never was so perfectly her lord as now when he has ceased to flatter himself that he is her master.

Of the life over which she reigns there is no need to utter a commendation. Marriage needs no eulogist or defender. Nature confounds its enemies and corrects its defamers by prompting the young, the hopeful, and the generous of both sexes to live in the 'honourable estate' which, the Prayer-book assures us, was 'instituted of God in the time of man's innocency.'

# INDEX.

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- A**FFINITY, matrimonial, restraints on freedom of marriage arising from, i. 109; law of the Church respecting, i. 116
- Affinity, spiritual, laws of the Church (as affecting marriage), respecting, i. 117; extravagant opinions of some jurists regarding, i. 118; decree of the Council of Trent in limitation of, i. 119
- Agnes, St., an amatory priest reprov'd by, i. 164
- Alfred, Prince, question respecting the marriage of, ii. 254
- Alley, the Rev. Jeronimus, the inhibition of, ii. 129
- Anderson, or Sanderson, Joan, a popular dance at weddings under the Stuarts, description of, i. 240
- Anglo-Saxons, the, gifts presented by lovers among, i. 6; modern forms of marriage derived from, i. 7; provision for wife from husband's estate among, i. 8; marriage by capture as practised by, i. 16; mund, or authority held over young girls by parents and guardians among, i. 25; symbolism in the procedure of, i. 26; legalization of the traffic in women by, i. 34; laws regulating the purchase of women promulgated by Ethelbert among, i. 36; a numerous class of marriages among, i. 38; their laws respecting seduction and breach of promise, i. 41; where matrimonial rites were celebrated by, i. 48; sacerdotal views of matrimony held by, i. 49; impediments to matrimony, in eighth century, among, i. 108
- Aristocracy, the, their private marriages, in the time of Charles II., ii. 112
- Arrabo. *See* Wedding Ring.
- Assheton, Dr., origin of his scheme of life assurance, ii. 65; results of his system, ii. 86
- Atkinson, Mr., scrivener of St. Mary Wolnoth, costume worn by his three daughters on their marriage, i. 178
- Australia, choice and capture of brides in, i. 13
- B**ABBINGTON, Mrs., Mr. George Lester's Fleet marriage to, ii. 128
- Bachelors, proposals for inciting to matrimony, ii. 31; tax in the reign of William III. on, ii. 81; pamphlet by a Person of Quality on, *ib. note*
- Bagpipes, the, used formerly at English weddings, i. 256; commemoration of a priestly player on, *ib.*
- Banns, Pope Innocent's famous order respecting publication of, i. 99; more necessary in former times than now, i. 103; object, in old times, of, i. 116; proclamation in open market of, i. 130; curious case of the forbidding of, i. 131; quaint old custom in connection with the publication of, i. 133; objection of maidens to

- hear, in anticipation of their own marriage, the publication of, *ib.*; marriage without the notoriety of, *ib.*; noteworthy publication of, ii. 3
- Baptism, relationship occasioned by, i. 117; administered in former times by medical women, ii. 43; offices for insurance on, ii. 88; their manner of doing business, ii. 89
- Baxter, Richard, the marriage of, ii. 61; refusal of a mitre by, ii. 64
- Bedroom, the, little respect paid in former times to the privacy of, i. 247; blessing of the bride and bridegroom in, i. 248
- Benediction posset, composition and use of, i. 249
- Benevolences, pecuniary, once gladly accepted for the dowries of royal and noble brides, i. 117; memorials still existing in primitive districts of, i. 219; relinquished for presents in the time of James I., i. 223
- Ben the Bunter, rough music in celebration of the marriage of, i. 257; poetical account of his wedding to Fair Kitty of Kent Street, ii. 141
- Best Man, the precursors of, i. 7; supposed origin of, i. 22, 67; Sir John Selden on the historical descent of, i. 23
- Betoun, Janet, Lady Buccleugh, singular reason for the annulment of her marriage with Preston of Craigmillar, i. 116
- Betrothals, *see* Espousals.
- Bidden weddings, Bridal Biddings, Bride Wains, and Penny Weddings, i. 219; collections, in Cumberland and Wales, by the guests at, *ib.*; description by a lady of one in Wales, i. 220, *n.*; description from the 'Gentleman's Magazine' of, i. 221; William Vaughan's account of, i. 223, *n.*
- Bigamy, made capital felony by James I., ii. 326; modern use of the word, ii. 327; Barrington on the old statutes relating to, *ib.*
- Big Ben of Westminster, ancient belief exploded by the experiments which preceded the manufacture of, i. 151, *n.*
- Births, marriages, and deaths, imposts in the reign of William III. on, ii. 83
- Blackstone, Mr. Justice, Lord Hardwicke's Marriage Act disapproved by, ii. 80
- Bordering, an ante-nuptial ceremony in the eastern counties, i. 132
- Bow-Bells, tune to which newly-married couples were rung out of church by, i. 361
- Brant, Sebastian, satire on covetous marriages by, i. 308
- Breach of promise, laws of the Anglo-Saxons relating to, i. 41; origin of actions for, i. 129
- Bridal-bed, the, the priestly blessing of, i. 98
- Bridal-biddings, *see* Bidden Weddings.
- Bridal, an Elizabethan, Spenser's charming picture of, i. 185, *n.*
- Bridal favours, origin of, i. 8
- Bridal festivals, riotous carousing of the Anglo-Saxons at, i. 8; mediæval rudeness and license of, i. 194; refreshments for a bride exhausted by the exertions of, *ib.*; primitive ceremony witnessed by John Evelyn at, i. 204
- Bridal music, allusions in old authors to, i. 252; the principal instrument of, i. 254; letter in the 'Spectator' from a Benedict, complaining of, *ib. n.*; Hogarthian picture illustrative of, i. 255; use of the bagpipe as a part of, i. 256; modern compared with ancient, i. 260; at church, i. 261
- Bridal procession, the, marshalling of, i. 193
- Bridal veil, the, origin of, i. 8
- Bride-ale, the, description of, i. 224; curious decree in restraint of the excesses of, i. 225
- Bride-cake, *see* Wedding-cake.
- Bridegrooms, waiting at table, i. 205, *n.*; advice in the Homily on Matrimony to, i. 267

- Bride-knights, or bride-pages, their office at a wedding, i. 23
- Brides, origin of some parts of the costume of, i. 8; capture by Australian aborigines of, i. 13; by the Anglo-Saxons, i. 17; contests among the Anglo-Saxons for the possession of, i. 18; their entrance, in old times, into church, i. 23; signification of their precedence to the father in entering church, i. 24; the ring-finger of, i. 91; how conducted to and from church, i. 97; the costume of, i. 167; significance of the ornaments worn by, i. 168; the garlands or coronets of, and the flowers used in their formation, i. 169, 170; coronets of metal provided in some parish churches for, i. 171; Polydore Virgil on the coronet of, i. 172; gifts for, i. 175; arrangement of the hair, in Anglo-Saxon times, by, *ib.*; costume and coiffure of those of royal condition, i. 176; origin of the wedding veil worn by, i. 177; articles dispensed with, in the sixteenth century, by, i. 178; selection by the bridesmaid, in former times, of the colours of, i. 188; strange mark of respect to, i. 199; symbolic corn-kernels poured over the heads of, i. 202; presents given by friends to, i. 210; provision of matrimonial outfit, in old times, for, i. 215-217; conditions on which loans were bestowed on, i. 221; the 128th psalm chanted in honour of, i. 265; fortune announced as the measure of attractiveness of, i. 310; proverbs on, i. 359; the clerical choice of, ii. 55; married in white sheet, ii. 93; stories of mistakes and substitutions in the choice of, ii. 94
- Brides and Bridals, purpose of the present work on, i. 9
- Brides and grooms, sermons for the enlightenment of, i. 263; counsel offered in marriage sermons to, i. 266; quaint advice from sermons by old divines to, i. 267, *et seq.*
- Bridesmaids, number, at a fashionable Victorian marriage, of, i. 182; an Anglo-Saxon bride's escort of, *ib.*; care and labours devolving on, i. 183; duties in olden times of, i. 184; duties at marriages, in former times, of the first or best, i. 186; the reward and perquisites of, i. 197.
- Bridewains, Northumberland, advertisement announcing the sports of, i. 225
- Brougham, Lord, anecdote of, i. 181
- Bucer, Martin, his judgment touching divorce, ii. 329; startling doctrine maintained by, ii. 330
- Bull, Bishop of St. David's, sentiment put on his wife's marriage-hoop by, i. 145
- CAMEYS, John de, his marital authority transferred to another by, ii. 300; deed of transference executed by, ii. 301; his widow's claim for dower from the estate of, ii. 302
- Canterbury, the Archbishop of, powers relating to marriage conferred by special statute on, i. 137
- Care-cloth, the, use, in the celebration of marriage, of, i. 95
- Celibacy, once almost universal among the clergy, ii. 29; imposts, in the reign of William III., on, ii. 85
- Cellier, Mrs. E., a London obstetrician of the Restoration, illustration of the position of female doctors from a pamphlet by, ii. 42
- Charles II., true cause of the profligacy of court and town in the time of, ii. 340
- Children, espousals of, i. 70; Edmund de Abingdon and Blackstone on the contracts of, i. 74, *n.*; tax, during the reign of William III., on, ii. 83.
- Childermas Day, a strange practice on, i. 295; dislike to the celebration of marriage, on, *ib.*
- Chivalry, the spirit and work of,

- i. 318; security given to woman-kind by, i. 319
- Church, the prohibitions of marriage by, i. 108; motives for the elaborate plan of domestic discipline created by, i. 120; early marriages approved, and second marriages discountenanced, by, i. 279; periods at which marriage was forbidden by, i. 285; its opposition to the tyranny of feudal lords and magistrates, i. 308; celebration of matrimony during the Commonwealth by, ii. 65; control over matrimonial affairs exercised by, ii. 261; ingenuity in facilitating divorce manifested by, ii. 306
- Church-porch, the, pleasant associations of, i. 47; origin of the custom of uniting lovers at, i. 48; Chaucer's Wife of Bath wedded to five husbands at, *ib.*; Brand and other writers on the old custom of marrying at, i. 52; declaration of the bride's dower at, i. 58; final suppression of marriage at, i. 58; production of the bride's dower-purse at, i. 186; collection for the bride at, i. 223; discomfort of marriage on a rainy day at, i. 360
- Clergy, the celibacy of, ii. 29; benefit to women of the law permitting the marriage of, ii. 52; repugnance, in former times, to the marriage of, ii. 53; George Herbert on the marriage of, ii. 54; privilege denied to the wives of the higher orders of, ii. 60; preference of young ladies for suitors belonging to, ii. 61; Queen Elizabeth's injunction respecting the wedlock of, ii. 64; noteworthy consequence of the marriage of, ii. 60
- Clergyman, a, curious marriage of, ii. 94
- Coiffure, Anglo-Saxon, various forms and significance of, i. 175
- Coin, broken, bent, &c., value as love-tokens of, i. 76, 79
- 'Collier's Wedding,' the, by Edw. Chicken, a poem descriptive of a humble marriage, i. 246
- Commission, royal, appointed by Edward VI. for the production of a complete code of ecclesiastical law, ii. 317; its conclusions on matrimonial questions repealed by Mary, ii. 318; severe punishment assigned to seducers, &c., by, ii. 322
- Commonwealth, the, Sir John Birkenhead's charge against the marriage sermons of the divines of, i. 271; marriage in churches during the reign of, ii. 67; law of civil marriage instituted by, *ib.*; religious and political tolerance exhibited by, ii. 75; marriage with book and ring during, ii. 76
- Confarreation, a wedding ceremony among the Romans, i. 200
- Consanguinity, prohibitions of marriage on the ground of, i. 108; importance in feudal England of the careful observation of the laws of, i. 108; modes by which genealogists ascertained the degrees of, i. 109; our ancestors' dread of marriages forbidden by the laws of, i. 112
- Contracts, unwitnessed, law of Henry I. concerning, i. 114
- Coverdale, Bishop, his reproof of the rude and licentious way in which marriages were celebrated in the time of Elizabeth, i. 235
- Cumberland, Henry Frederick, duke of (brother of George III.), his irregular marriage, ii. 240
- Customs, old, origin and vitality of, i. 2; supposed origin of many still used in the celebration of matrimony, i. 21
- Cuthbert, the Rev. Robert, a Fleet parson, the equestrian taste of, ii. 154
- DAUBING, a Cumberland, collection for the bride at, i. 221, *n.*
- Davis, Sir John, joke against woman and marriage from a play by, i. 352; presentment of a model wife, by, ii. 23; contention of a wife, widow, and spinster represented by, ii. 25

- Decies, Lord, his early marriage, and the consequences of it, i. 281
- Divorce, Master Henry Smith on, ii. 294; prevalence among pagan Britons and Anglo-Saxons of, *ib.*; effect of marriage by purchase on, ii. 295; Howell Dha's decree respecting, ii. 296; reason of our ignorance of the irregular practice, in former times, of, ii. 299-303; ingenuity of the Church in facilitating, ii. 306; major and minor forms of, *ib.*; traffic of the eleventh century in, ii. 309; extract from an old poem on the purchase of, ii. 310, *n.*; views of the Anglican leaders in the time of Edward VI. on, ii. 316; decision of Edward VI. respecting, ii. 319; re-marriage after, ii. 323; justification of Edward VI.'s commissioners for apparent disregard of the limitation ascribed by Scripture to the liberty of, ii. 328; Martin Bucer's views on, ii. 329; Milton on the liberty of, ii. 332; Milton's objection to decrees in law-courts of, ii. 336; immorality arising from restraints on the liberty of, ii. 339; special acts for the relief of individuals by, ii. 340; persons to whom Parliament granted release by, ii. 341; number of cases in which Parliament, in the eighteenth century, granted release from marriage by, ii. 342; Judge Maule's ironical remarks on private legislation with respect to it, *ib. n.*
- Divorce and Matrimonial Causes Courts, the institution of, ii. 342; falsification of the gloomy predictions made on the establishment of, ii. 343
- Dower, the bride's, advantage of the public declaration of, i. 54; Blackstone on changes in the doctrine of, i. 56, *n.*; means by which high-born damsels were in former times provided with, i. 215, 217
- Dow-purse, the, an old custom of Northumberland and North Wales, i. 186; Chambers' account of the ceremony in presenting, i. 187, *n.*
- Downing, Sir George, Bart., his early marriage and the misfortunes arising from it, i. 282
- Dumb, the, marriages of, ii. 91
- EDINBURGH**, Canongate parsons and marriages at, ii. 205; marriage of Lord George Lennox, in 1759, at, ii. 206
- Edward VI., appointment of a commission to produce a complete code of ecclesiastical law, by, ii. 317
- Eleonora, ninth daughter of Edward I., her espousal at an early age, i. 70, *n.*
- Elizabeth, the Princess, daughter of James I., her espousal to the Palatine Frederic, i. 72; tax ordered for the marriage of, i. 215
- Elizabeth, Queen, nuptial feasts in the time of, i. 233; her repugnance to clerical marriages, ii. 53; Macaulay's error respecting an injunction on clerical marriages issued by, ii. 64; marriages of Catholics in the time of, ii. 107
- Elliott, Rev. Adam, incumbent of St. James's, the suspension of, ii. 120
- Elopement in high life, ii. 178; to Man or Guernsey, ii. 203; to Scotland, ii. 205
- England, attachment to ancient usages of the people of, i. 1; Bishop Coverdale's reproof of the rude and licentious way in which marriages were celebrated in, i. 235; a bridal procession and banquet in the seventeenth century in, i. 237; position of bachelors and spinsters in mediæval times in, ii. 7; artificial restraints on matrimony in, ii. 30; feminine life in the middle ages in, ii. 33; possibility of the issue of a Fleet marriage once coming to the throne of, ii. 245; true causes of the profligacy, under the Stuarts, of, ii. 340
- Enoch Arden, Tennyson's, a fre-

- quent occurrence among our ancestors illustrated by, ii. 324
- Espousals, emblematic signification of the ring given on, i. 7; fraudulent marriages facilitated among the Anglo-Saxons by, i. 40; meaning of the term, and its ancient distinction from matrimony, i. 60; Mr. Henry Swinburne on the various kinds of, i. 61; difference between the *de presenti* and *de futuro* forms of, i. 62; ancient ceremony of, i. 65; mystic kiss given at, *ib. n.*; drinking customs at, i. 66; Shaksperian illustration of, i. 67; preservation of the form for the celebration of, i. 68; place for the solemnization of, i. 69; children of tender years engaged by, i. 70; apology for those of children, i. 71; interval at which marriage was celebrated after, i. 72; changes of opinion respecting long engagements founded on, i. 73; rarity of records of the public celebration of, i. 74; the only formally registered public contract of, i. 75; usual time of marriage, in the thirteenth century, after, *ib.*; use of the ring in, i. 77; dumb persons contracted by, i. 79; Henry Swinburne on the acceptance of a ring as the symbol of, i. 80; causes of the cessation of the public solemnization of, i. 81; unfortunate consequences in old times of, i. 82; writers of the sixteenth century on, *ib. n.*; bad consequences of the course of the Church with respect to, i. 84
- Ethelbert, laws on marriage promulgated among the Anglo-Saxons by, i. 36
- Eton schoolboy, a clergyman committed for the illegal celebration of the marriage of, ii. 178
- Evelyn, John, primitive ceremony witnessed at a wedding dinner by, i. 204
- FEUDALISM, domestic influence and action of, i. 304; rights over feudatories' daughters claimed by their lords under, *ib.*; female practitioners of medicine in the times of, ii. 41
- Fielding, Beau, record of the first marriage of, ii. 139
- Fitzgerald, Katherine, the Church and society scandalized by, i. 281
- Flecknoe, Richard, squib against lay marriages by, ii. 74
- Fleet, the, private and expeditious marriages in, ii. 115; prisoners for debt in, ii. 122; life in the rules and liberties of, ii. 123; income of the warden of, ii. 124; works illustrative of life in, ii. 125, *n.*; the collegians of, ii. 125; report on the treatment of prisoners in, ii. 127, *n.*; solemnization of matrimony in, ii. 128; clergymen, marrying houses, and tavern-keepers of, ii. 133; marrying houses of, ii. 140; touters of, ii. 142; account of some of the humours of, ii. 143; Hogarthian picture of a marriage scene in, ii. 144; picture of a nuptial party in a tavern of, ii. 146; continual uproar in, ii. 177
- Fleet Marriages, members of the aristocracy united by, ii. 174, *n.*; flagrant scandals arising from, ii. 174; the false registers of, ii. 175; distinguished upholders of, ii. 182; royal princes united by, ii. 234
- Fleet Parsons, pursuit of their calling by, ii. 133; represented in other parts of London, ii. 135; description, from Richardson's 'Sir Charles Grandison,' of, *ib. n.*; a noted specimen of, ii. 144; fees in the time of George II. paid to, ii. 149; number in London of, *ib. n.*; the marriage certificates given by, ii. 150; portraits of some of the chief representatives of, ii. 151, *et seq.*; failure of prosecutions against, ii. 169; Act of William III. a great satisfaction to, ii. 170; illegal acts committed by, ii. 174; account by a writer in the 'Grub Street Journal' of the doings of, ii. 176, *n.*; a bad specimen of, ii. 199; proof

- of strong public feeling in favour of, ii. 201
- Fortune-hunter, a, mistake made by, ii. 96
- Foster-lean, origin and meaning of, i. 40.
- Fox, Henry (Lord Holland), his opposition to Lord Hardwicke's Marriage Bill, ii. 182; his popularity, ii. 187
- French cooks, their introduction to England, and what we owe to them, i. 206
- Fuller, Thomas, D.D., the last sermon preached by, i. 264
- G**ARTER, Order of the, Polydore Virgil's story of the origin of, i. 198
- Gaynam, Dr., a noted Fleet parson. ii. 151
- George I., his claim to regulate the education of the Prince of Wales, ii. 251
- George III., celebration of his wedding-day by the ladies of Gloucester, ii. 90.
- Gifts, presentation to brides of, i. 210; exaction, in feudal England, of, i. 212; relics of the bestowal at baptisms of, i. 213, *n.*
- Gemmal, Gimmel, or Geminal, ring, form and significance of, i. 162; the purpose for which devised, i. 164
- Gimmel, illustration of the use of the term in the time of Elizabeth, i. 162
- Gloucester, William Henry, duke of, the romantic marriage of, ii. 234; unfortunate result of the precautions taken to conceal the union of, ii. 238; ingenious solution of the difficulties of, ii. 242; unhappy consequences of the marriage of, ii. 247
- Goodchild, Mr. (the Industrious Apprentice), Hogarth's picture of the marriage of, i. 255, 258, *n.*
- Goodchilde, Raphe, story of his reunion to his wife, ii. 325
- Gordon, George, an old soldier, the 'Blacksmith' of Gretna, ii. 209; his official costume at weddings, ii. 210
- Gretna Green, elopements to, ii. 207; popular error respecting the parsons at, ii. 208; Scott, Gordon, Joe Paisley, and other 'couplers' of, ii. 209; get-up of the parsons of, ii. 210; scheme for the safety of the bridegrooms hastening to, ii. 212; fees paid to the 'couplers' at, ii. 213; enactment against irregular marriages at, ii. 214; rudeness of the marriages at, ii. 232
- Grierson, Rev. John, a bad specimen of a Fleet parson, ii. 199; celebrated theatrical wedding solemnized by, ii. 200; his sentence and death, ii. 201; his successors at the Savoy, ii. 202
- Griselda, the story of, ii. 11; historic significance of the tale of, ii. 17
- Groomsmen, the duties of, i. 195; official perquisites of, 198; bridal favours for, i. 199
- Guernsey, irregular marriages at, ii. 204; elopement of a Gravesend heiress to, *ib.*; disagreeable recollections of the voyage to, ii. 205
- H**ACKETT, Bishop, his supposed loss of priestly honour by marriage, ii. 58
- Hall, Bishop, his marriage, to Miss Winniff of Bretenham, ii. 58
- Hamilton, the Duke of, mistake caused by Horace Walpole's account of the marriage of, ii. 173
- Hardwicke, Lord, his Marriage Bill, ii. 181; execrable policy of his assailants, ii. 183; his indignation at the liberties taken with his measure ii. 186; his unpopularity, ii. 187. *See also* Marriage Bill.
- Hardy, Nathanael, M.A., quaint remarks from a sermon to a bridal congregation by, i. 269
- Haussoullier, Lewis John Marie, a handsome French Jew, mistake made in fortune-hunting by, ii. 96
- Heiresses, the abduction of, ii. 217; statutes of Henry VII., and of Philip and Mary, against the

- abduction of, ii. 218; benefit of clergy pleaded by those guilty of carrying off, ii. 220; Queen Elizabeth's amended law against the captors of, ii. 221; danger of abettors in the abduction of, *ib.*; law of George IV. for the protection of, ii. 222; scene from Richardson, illustrative of the abduction of, *ib.*; Defoe on the arts used to trepan, ii. 224, *n.*; remarkable case of the abduction of, ii. 225
- Henry VIII., judgment of his subjects on his conduct to Catharine of Arragon, ii. 311; conduct of Catharine with respect to her divorce from, ii. 313; beneficial effect of a statute enacted by, ii. 315; Milton on the repudiation of Anne of Cleves by, ii. 335
- Herbert, George, the marriage of, ii. 59; remarks on the position of a clergyman's wife by, ii. 60
- Herrick, lines in honour of Sir Clipseyby Carew's bride by, i. 361
- Honeymoon, the, Sir John Lubbock's view respecting the origin of, i. 22; recent origin of the privacy of, i. 28; origin of trips during, ii. 273; their extent during the two first decades of the present century, ii. 274; hotels in the Isle of Wight for lovers during, ii. 275
- Hooker, Richard, Mrs. Churchman's selection of a bride for, ii. 56
- Horton, the Hon. Anne, the Duke of Cumberland's marriage to, ii. 241
- Household, the feudal, i. 121
- Husbands, authority exercised in feudal times by, ii. 1; authority, in the reign of Elizabeth, of, ii. 19; Milton on the authority of, ii. 21; anecdote illustrative of the restraints in which wives were held by, ii. 22; responsibility of, ii. 48; position in modern England of, ii. 49; timely lesson in good manners to one, ii. 95; re-marriage of wives after the long absence of, ii. 327; discipline exercised by, *see* Marital Discipline
- I**NFANTS, the espousals of, i. 70; views of our ancestors on the marriages of, i. 278; opinion of the Church respecting the union of, i. 279; the prayers and benedictions of the Church on the marriages of, *ib.*; historical illustration of the disadvantages of matrimony in the case of, i. 281; Lord Hardwicke's bill no remedy for the enforced marriages of, i. 284
- Infants, marriageable, power of parents and guardians in the disposal of, i. 302: Lewis John Vives' counsel to, i. 305; language of divines of the sixteenth century with regard to the authority of parents and guardians over, i. 306
- Ireland, traces of marriage by capture in, i. 29
- J**AMES I., royal marriage-tax ordered by, i. 215
- Jeux d'esprit: matrimonial thought by Boswell, ii. 289; Celia's retort to a reverend dean, ii. 290; epigram by the German poet Besser, ii. 291; a German epitaph on a scolding woman, *ib.*; epitaph suggested for Madame Soyer, *ib.*; a widow's addition to her late husband's epitaph, ii. 292; epitaph by a pyrotechnist's widow, ii. 293
- Johnson, Dr. Samuel, his opinion on marital government, i. 338; judgments pronounced on discipline by, ii. 278; marriage advocated by, ii. 279; his relations with his own 'Tetty,' ii. 280; judgments on women and wedlock pronounced by, ii. 281; opinion on love and the elective affinities expressed by, ii. 283; on imprudent matches made by women, ii. 285; on conjugal infidelity, ii. 286; standard of morality in the time of, ii. 287; on the marriage service, ii. 289;

- verses of Boswell's approved by, ii. 290
- Johnston, Sir John, hanged for assisting in the abduction of an heiress, ii. 221.
- Judicial separation, or the minor divorce, ii. 306
- K** EITH, the Rev. Alexander, of Mayfair New Chapel, one of his advertisements, i. 46; the favourite irregular parson of the West end, ii. 158; his contest with the Rector of St. George's, Hanover Square, ii. 159; his curious advertisements, ii. 160; pamphlet against Lord Hardwicke's Marriage Bill by, ii. 185
- Kelly, Edward, the astrologist, incredible story told of, i. 229
- Kilkenny, remarkable fight for a bride in, i. 29
- King's Bench Prison, private and expeditious marriages in, ii. 115
- Knight-service, Blackstone on an important obligation of tenure by, i. 214, *n.*
- L** AJNG, David, a Gretna Green parson, ii. 211; his curious testimony on an important trial at Lancaster, ii. 212
- Lando, the Rev. John, a Fleet parson, his advertisement, ii. 154
- Laud, Archbishop, suppression of clandestine marriages in the Tower of London by, ii. 116
- Law, civil, mode of computing degrees of consanguinity by, i. 110, *n.*
- Lay-marriages, current seventeenth-century pleasantries respecting, ii. 73; measures taken, on the Restoration, for the legalization of, ii. 75.
- Lemnius, Lævinius, the sage of Zealand, astonishing facts from his 'De Occultis Naturæ Miraculis,' i. 157; his explanation of the phrase 'under the rose,' i. 191, *n.*; his remarks on wedding-presents made of rush-pith, i. 216, *n.*; on the irascibility of women, ii. 6
- Lent, partial opposition to the celebration of marriages in, i. 287; old saying respecting, i. 292
- Licenses, special, i. 133; persons to whom they were granted, i. 134; their use recently discountenanced, i. 135; antiquity of, i. 136; marriages of the aristocracy in the time of Charles II. and Queen Anne, by, ii. 112; growth of the dislike to, and effect of the taxes on, ii. 131
- Life assurance, origin of, ii. 65; Dr. Assheton's and other schemes of, ii. 86
- Lincoln's Inn Chapel, marriages celebrated, in the eighteenth century, in, ii. 136; lawlessness of marriages celebrated in, ii. 137; curious records of marriages in, ii. 138
- Loire the baker, and his wife, mock marriage of, i. 253, *n.*
- London, marriages, in the time of Charles II., of the citizens' daughters of, ii. 109, 112
- Love-tokens, high value set on, i. 76
- Love's vein (*vena amoris*), i. 140
- Lovers, runaway, the Isle of Man closed to, ii. 203; flight to Guernsey of, ii. 204; Scotland resorted to by, ii. 205; united at Edinburgh, by Canongate parsons, *ib.*; Gretna Green the last chosen resort of, ii. 208
- Lyndhurst, Lord, his Marriage Act, ii. 264; objects effected by, ii. 265, *n.*
- M** ACAULAY, Lord, correction of an historical error of, ii. 64
- Macclesfield, the Earl of, liberty of divorce granted by Parliament to, ii. 341
- Malthus, Thomas R., a lady's remark on the death of, ii. 78; inconsistent judgment pronounced on the opinions of, *ib.*; preaching and practice of the defamers of, ii. 79
- Marital Discipline, old laws respecting the administration of, i. 317; influence of mediæval chivalry on, i. 318; spurious

anecdote of William the Conqueror's exercise of, i. 319; Bracton's description of the condition of wives in the thirteenth century under, i. 320; the common and civil law on, *ib.*; anecdotes and pithy sayings respecting, i. 321; Blackstone on the old law of, *ib. n.*; Chaucer's story of the 'Wife of Bath's' rebellion against, i. 322; proverbs on the exercise of, *ib. n.*; feminine approval of the occasional severity of, i. 323; illustration of the advantages of the stick as an instrument of, i. 324; story from the 'Heptameron' illustrative of, i. 326; opposition of the clergy in the seventeenth century to the violence of, i. 329; claim of the lower orders for the ancient privileges of, i. 336; Defoe's picture of a shop-keeper who exercised the old rights of, *ib. n.*; extract from a 'Dialogue between two Young Ladies' on, i. 337; Sir Richard Steele and Dr. Johnson's opinions respecting, i. 338; effect on the 'Wife of Bath' of an extreme form of, i. 339, *n.*; Bishop Thomas' curious system of, i. 340; light in which women were regarded as the subjects of, *ib.*; reckless use of the tongue a blamable form of, i. 341

Marriage, the English law of, i. 4; view of the Puritans respecting, i. 5; dissatisfaction produced by Lord Hardwicke's Act relating to, i. 35; origin of the view which regards it merely as a civil contract, i. 44; law respecting contract between children with a view to, i. 73; civil ceremony of, i. 88; sacramental benediction of, i. 94; sacerdotal kiss at the celebration of, i. 97; care of the Church to guard against the clandestine celebration of, i. 99, *n.*; order of the Synod of Westminster respecting the solemnization of, i. 100; ecclesiastical restraints on the freedom of, i. 103; inconsistent

ecclesiastical restriction on, i. 109; ties of affinity produced, even when spurious, by, *ib.*; Wheatley's erroneous remark on some of the restrictions on, *ib. n.*; insecurity, through the law of pre-contracts, of, i. 113; insecurity in the sixteenth century of, i. 114; secret sin a ground for the annulment of, i. 116; spiritual relationship an obstacle to, i. 117; object of the Church in enforcing restrictions on, i. 120; remission of ecclesiastical restrictions on, i. 122; growth of corrupt practices with the remission of restrictions on, i. 123; irregularities produced by the license to break promises of, i. 124; revival of the ancient laws respecting pre-contracts of, i. 127; entries in parochial registers recording dissolutions of engagements for, *ib.*; Wheatley on contracts of, i. 128; exceptions formerly taken by meddlers to, i. 129; proclamation in the market-place of the banns of, i. 130; licenses for the celebration of, i. 133; preference, in recent times, for the public solemnization of, i. 135; exemption from the law for the public celebration of, i. 136; traces of Roman forms in the old English law of, i. 200; obsolete symbolic usages in the celebration of, i. 201; preservation, in certain districts, of the primitive usages of, i. 202; small rectangular buns used in the ceremony of, i. 204; eleemosynary celebration of, i. 222; office of the Book of Common Prayer for the celebration of, i. 262; a sermon as the regular part of the ceremony of, i. 264; quaint illustrations from old sermons of the state of, i. 267; Nathanael Hardy's original apology for, i. 270; Jeremy Taylor on the joys and perils of, i. 273; illustrations from an old sermon of the views of Diogenes on, i. 276; opinions of our forefathers on early contracts of, i. 277; the legal age

for, i. 278; certain periods forbidden for the contraction of, i. 285; abolition at the Reformation of restrictions on, i. 286; old almanacs on the periods for the contraction of, *ib.*; subsequent partial submission to the restrictions on, i. 287; day for the celebration of, i. 288; danger of transgressing the canonical hours for the celebration of, i. 298; three ancient Roman forms for the solemnization of, i. 300; power of feudal lords over the bestowal of their vassals' daughters in, i. 304; opposition of the Roman Catholic Church to the interference of feudal lords in, i. 308; satire against mercenary contracts of, i. 309; curious announcements in the 'Gentleman's Magazine' of, i. 310; announcement in Scotch papers of, i. 311; curious advantage conferred on women in former times by, i. 341; law of the Commonwealth respecting, ii. 67; old certificate of, ii. 68, *n.*; tax of William III. on, ii. 84; associations of insurance against, ii. 86; celebration by signs of, ii. 91; curious mode of escaping a legal consequence of, ii. 92; substitution of one lady for another in, ii. 94; union of persons of the same sex in, ii. 98; complex relationships produced by, ii. 101; contraction in old age of, ii. 102; English law, before Lord Hardwicke's measure, of, ii. 104; decree of the Council of Trent on, ii. 105; irregular contracts in feudal times of, ii. 106; secret celebration in the time of Elizabeth of, ii. 107; economy in the solemnization of, ii. 108; M. Misson on the middle-class celebrations in the seventeenth century of, ii. 109; aristocratic celebration of, ii. 112; chapels disqualified by act of George II. for the performance of, ii. 137, *n.*; measures for the suppression of the uncanonical celebration of, ii. 167; imperfection of William

III.'s act for the regulation of, *ib.*; stories of ladies trepanned into, ii. 176, *n.*; ancient and modern laws for the civil celebration of, ii. 215; death-blow to the old civil law of, ii. 216; celebration with a deceased wife's sister of, ii. 253; power of the Church in Catholic England over, ii. 261; ecclesiastical nullification of, ii. 263; Blackstone on canonical disabilities affecting, ii. 264, *n.*; illustrations from an old novel of the proceedings at, ii. 267; account from 'The Levellers' of an old custom at, ii. 274, *n.*; private arrangements for the dissolution of, ii. 303; view of the Anglican leaders in the time of Edward VI. on, ii. 315; modification of the law of Edward VI. and Elizabeth respecting the indissolubility of, ii. 323; old canon law on the indissolubility of, ii. 338; effects of the stringent law of the Reformation on, ii. 339; general view of the ground passed over in treating of, ii. 345

Marriage Bill, Lord Hardwicke's, the immediate cause of, ii. 181; bitter opposition to, ii. 182; execrable policy of the opponents of, ii. 183; the main purpose of, ii. 184; a retort of Fox respecting, ii. 186; vehement agitation caused among the people by, ii. 187; the requirements of, *ib.*; Scotland exempted from the operation of, ii. 188; benefits and wrongs of, ii. 189; legislation subsequent to, ii. 190; results of the exemption of the royal family from the operation of, ii. 234; Horace Walpole's virulent opposition to, ii. 249

Marriage Bill, royal, misrepresentation of George III.'s conduct respecting, ii. 250; the purpose of, ii. 253; improbability of Queen Victoria's abusing the power conferred by, ii. *ib.*; enactments of, ii. 255, *n.*; unjustifiable outcry against, ii. 257

Marriage, clandestine, aristocratic celebrations in times of Charles II.

- and Queen Anne of, ii. 112; London churches in which celebrated, ii. 117; emoluments arising from, ii. 119; inability of the Church to prevent, ii. 121; increase of the number of, ii. 129; validity, though irregular, of, ii. 130; decline, in certain chapels, in the number of, ii. 131; demand for convenient places for the celebration of, ii. 132; curious reticence of spouses united by, ii. 138; results of the first measure for the suppression of, ii. 167; act of William III. against, ii. 168; leap in the dark taken by government against, ii. 169; Queen Anne's act against, ii. 171; general growth of the practice of, ii. 173; several cases of, ii. 176, *n.*; M. Misson on the incongruous unions celebrated by, ii. 179, *n.*; severe law against, ii. 188
- Marriage-clubs in the reign of William III., ii. 86; cunning appropriation of the funds of, ii. 87; advertisement from London newspapers relating to, *ib. n.*
- Marriage by capture, i. 12; sufferings of Teutonic women by, i. 13; as practised in Australia, i. 13; by the Anglo-Saxons, i. 17; traces of the wide existence in the past and present of, i. 19; the Anglo-Saxon father's view of, i. 20; advantages claimed for, i. 21; supposed symbolism, in our modern matrimonial usages of, *ib.*; a curious symbol of, i. 22; the purchase of wives a consequence of, i. 24; the great defect of, *ib.*; traces among our Celtic countrymen of, i. 28; illustrations from Lord Kames of, i. 30; tenacity with which the Anglo-Saxons clung to, i. 35; display of the later Anglo-Saxons in the ceremony of, i. 49; parody in modern weddings of, i. 184; the dow-purse a relic of, i. 187; annulment in modern times of a marriage by, ii. 221
- Marriage by purchase, Anglo-Saxon rules for, i. 7; considerations on the reasonableness of, i. 33; dissatisfaction of the Anglo-Saxons on the introduction of, i. 35; law of Ethelbert regulating the practice of, i. 36; fraudulent dealings of unprincipled fathers in the agreements for, i. 39; circumstances facilitating fraud in the transactions for, i. 40; practice in Elizabethan London of, i. 310
- Marriage with a Deceased Wife's Sister, ii. 258; illogical inference respecting the law against, ii. 259; in what circumstances illegal, ii. 260; erroneous language of the directors of public opinion on, *ib.*; Lord Lyndhurst's act on, ii. 264
- Marriage-licenses, special, Simon Mephram's allusion to an early period to, i. 136; the Archbishop of Canterbury empowered to grant, i. 137
- Marriages, Royal, question of the reigning sovereign's prerogative concerning, ii. 251
- Marriage-tax, royal, writ issued by James I. for payment of, i. 215; rates, during the reign of William III., of, ii. 84
- Marrying Houses, records of the keepers of, ii. 139; various signs of, ii. 140; the touters for, ii. 141
- Marriageable infants, power of parents and guardians in the disposal of, i. 302
- Martin's, St., in-the-Fields, noteworthy publication of banns from the registers of, ii. 72
- Matrimony, interest of ancient usages in the celebration of, i. 4; antiquity of the ceremonies connected with, i. 5; symbolism in the customs of, i. 23; part assigned in old times to the father of the bride in the solemnization of, i. 24; secular and spiritual views respecting, i. 44; first celebration in church of, i. 48, *n.*; the father's part in a Danish celebration of, i. 53; distinction of espousals from, i. 60; Papal and archiepiscopal orders for the celebration of, i.

- 99; relations made by, i. 109; ancient Roman forms of, i. 200; change made by the English Reformers in the liturgic form of, i. 280; proverbial lore of old times regarding, i. 343; artificial restraints in feudal times on, ii. 30; ceremony, according to the 'Directory for Public Worship,' of, ii. 70; celebration, under the Commonwealth, of a double ceremony of, ii. 71; ceremony, according to the Book of Common Prayer, of, ii. 75; application of prudential restraints on, ii. 78; encouragements, in eighteenth century, to, ii. 89; singular mistake in seeking fortune by, ii. 90; the celebration in prisons of, ii. 115; the Church doctrine of the indissolubility of, ii. 307; real and spurious forms of, *ib.*; judicial nullification of, ii. 308; action of clerical courts, under the Tudors, with respect to, ii. 310; statute of Henry VIII. on, ii. 315; conclusions of Edward VI.'s Commission on questions relating to, ii. 318; three curious ordinances on matters connected with, ii. 321
- Marrowbone - and - cleaver clubs, celebration of clandestine unions by, ii. 112
- Maule, Judge, his ironical remarks on the law of divorce by private enactment, ii. 342, *n.*
- May, objection to marriage in the month of, i. 291; popular saying respecting weddings in, i. 292; lucky days for marriage in, *ib.*; poetical illustrations of its congeniality to lovers, i. 293; objections in certain parts of Scotland to marriages in, i. 294
- Medical women in feudal times, ii. 41; position, in Charles II.'s London, of, ii. 42; the episcopal licenses granted to, ii. 43; fees paid for licenses by, ii. 44; illustration from 'Tristram Shandy' of the position of, ii. 45
- Merchant, a London, extraordinary fraud committed by the wife of, ii. 100
- Milton, John, remarks on marital authority by, ii. 18; his startling views on the freedom of divorce, ii. 332
- Money, change of feeling on the acceptance of presents in, i. 218; effects of the dearth of, on matrimony in England, ii. 31
- More, Sir Thomas, the marriage of, ii. 94
- Mottram, Rev. John, a noted Fleet chaplain, ii. 153.
- Mund, as exercised by Anglo-Saxon guardians, i. 25
- Music, bridal, i. 252
- NEWCOMBE, John, the wealthy clothier of Newbury, how his spouse was led to church by, i. 185, *n.*
- Newgate-Market butchers, a popular doctor's wedding celebrated by, i. 259
- Norfolk, the Duke of, application to Parliament for liberty of divorce by, ii. 341
- Northampton, Parr, Marquis of, the severe law of the Church with respect to second marriages modified by the case of, ii. 323
- Northumberland, Edward Chicken's poem\* descriptive of a collier's wedding, last century, in, i. 184, *n.*
- ORDER of the Garter, Polydore Virgil's story of the origin of, i. 198
- Oxonian, an, droll anecdote of, ii. 24
- PAISLEY, Joe, the 'Old Blacksmith' of Gretna, ii. 209; his marriage certificates, ii. 211
- Paranymphs, Jewish, Selden's observations on, i. 23, *n.*
- Parents' authority over girls, in the Middle Ages, of, i. 25; responsibilities in modern England of, i. 32; their more pleasant position in the patriarchal period of our history, i. 33; justice of the demand for compensation for the loss of a daughter made in former times by, i. 34; expect-

- ation of obedience to the matrimonial projects formed by, i. 302; the power, in Anglo-Saxon times, of, *ib.*; their authority restrained, in the middle ages, by the rights of the feudal lord, i. 304; John Lewis Vives' advice to young ladies on submission to, i. 305; Martin Bucer and the divines of the sixteenth century on the authority of, i. 306; illustrations from Shakspeare of resistance to the authority of, i. 315; rebellion of girls, in feudal times, against the power of, i. 316
- Parliament (Barebones') regulation of the ceremony of marriage by, ii. 69
- Parry, Mr. Charles, his curious illustration of how an offer of marriage might be made, i. 79
- Paston, Anne, independent selection of a husband by, i. 316
- Paston Letters, illustrations of the spirit of many feudal lovers to be found in, i. 71, *n.*
- Penn, Sir William, the Pepyses displeased by the poor ceremonial of his daughter's marriage, i. 255; ii. 109
- Pins, ancient superstition respecting those used at a marriage toilet, i. 195
- Poore, Richard, Bishop of Salisbury, the use of rush-rings forbidden by, i. 142
- Porter, Miss, the actress, her irregular marriage, ii. 200
- Precedents, how formed, i. 2
- Pre-contracts, marriages rendered invalid by, i. 113; ecclesiastical law with respect to, i. 114; Henry VIII.'s law for the abolition of, *ib.* *n.*; abuse of the law of, i. 115; abolition of Henry VIII.'s laws on, i. 124; ii. 317
- Prisons, matrimony in, ii. 115
- Proverbial lore: on feminine beauty, i. 345; on the duties of married women, i. 346; on feminine craft and dissimulation, i. 347; on the fickleness and hesitancy of womankind, i. 348; on the petulance and passionateness of women, i. 349; against marriage and woman, i. 351; on the cost and extravagance of wives, i. 353; counsel to lovers in, *ib.*; on the consequences of matrimony, i. 356; in favour of wedlock and women, i. 358; on brides and their ways, i. 359; on good husbands, i. 361
- QUINTAIN**, tilting at the, a favourite national sport in England, i. 243
- RELATIONSHIPS**, complex, resulting from marriages, ii. 101
- Reynolds, Walter, Archbishop of Canterbury, the constitution of, i. 100; period for the celebration of marriage ordered by, i. 298
- Ring, the marriage, repudiated by the Puritans, i. 5; erroneous view of the symbolism of, i. 22; interchange, as love-tokens, of, i. 76; illustrations from Chaucer and Shakspeare of the use of, i. 77, *n.*; danger attending the acceptance in certain circumstances of, i. 79; homage rendered in feudal England to, i. 187; the blessing or consecration of, i. 89; the proper hand for, i. 91
- Ring-finger, the, doubts respecting, i. 92; whimsical anatomical fancy relating to, i. 93; on which hand? i. 152; representations in old paintings of, i. 153; reasons for the choice of, i. 140, *n.*, 154; strange whim of ladies of the Georgian era respecting, i. 154; old writers on the mysterious connexion between it and the heart, i. 156; astonishing facts recorded by Lævinus Lemnius respecting, i. 157
- Rosemary, the spiritual virtues of, i. 190
- Roses, decoration of bridal chambers with, i. 191
- Rough music at weddings, the marrowbone-and-cleaver department of, i. 258; still occasionally heard in the City, i. 259

SANDERSON, Joan. *See* Anderson.

Savoy, Royal Chapel, the attraction of the 'condemned sermons' in, ii. 193; illegal marriages celebrated in, ii. 194; Dr. Wilkinson's escape from, ii. 196

Scissors, a comparatively modern superstition respecting, i. 217

Scotland, irregular marriages in, ii. 205; civil marriages in, ii. 215

Secker, Rev. William, sermon on a 'Wedding-ring fit for the Finger,' by, i. 271,

Seduction, Anglo-Saxon law with respect to, i. 41; inconsistency of our law in dealing with, i. 43

Selden, on the ring-finger, i. 152, *n.*; on the nerve believed to connect the heart and ring-finger, i. 155, *n.*; on the practice of crowning brides, i. 169; on the origin of English bride-cakes, i. 200

Sermons, wedding. *See* Wedding Sermons.

Servants, domestic, masters presiding, in the sixteenth century, at the nuptial banquets of, i. 227

Sheridan, Richard Brinsley, witty reply of his son to, i. 302

Shoe, the symbolic use among the Anglo-Saxons of, i. 26; symbolism among the Jews of, i. 27; penal use of, i. 28

Signs, espousals, or contracts of marriage, by, i. 71

Slipper, the, throwing of, whence derived, i. 9; old custom commemorated by, i. 22, 24; allusion in the 'Boulster Lecture' to the symbolic use of, i. 26, *n.*

Smith, Master Henry, quaint illustrations of matrimonial duties from a sermon by, i. 267; remarks on divorce by, ii. 294, *n.*

Smithfield marriages, dialogue from the 'Levellers' illustrative of, i. 309; the spirit of, i. 310; scene from Shakspeare illustrative of, i. 312; jokes of the seventeenth century respecting, ii. 73; Richard Flecknoe's squib on, ii. 74

Somerset, the proud Duke of, anecdote of, ii. 22

'Sophia,' pamphlet, 'Woman not inferior to Man,' by, ii. 35

Spinsters, the number, in mediæval and modern Europe, of, ii. 26; difference between those of former and of present times, ii. 32; exemption from taxation, under William III. of, ii. 86

Spouse, the mediæval, condition of the engaged girl of the present compared with that of, i. 86

Spurgeon, Mr., description of wife and children by, i. 353

Steele, Sir Richard, on the use of the stick in correcting wives, i. 338

Stick, the, free use in England, in former times, of, i. 341

Stocking, the, throwing of, i. 249; use at royal weddings of, i. 250

Stratford, John, Archbishop of Canterbury, the constitution of, i. 102

Stuart, Elizabeth, costume worn on her marriage to the Palatine by, i. 176, 181

Sturton, Sir William, marriage agreement made by his father for, i. 70

Suckling, Sir John, scene depicted in the ballad on a Wedding by, i. 246

Symson, Peter, a noted Fleet parson, the card of, ii. 152

Swinburne, his remarks on the marriage-ring, and the choice of the finger for it, i. 140, *n.*

TAYLOR, Jeremy, on the joys and perils of matrimony, i. 273; picture of a hen-pecked husband by, i. 275

Tea-gardens, chapels for the celebration of marriage in, ii. 147

Thomas, Bishop, his curious method of managing wives, i. 340

Token-money, used by lovers as witnesses of their compact, i. 79

Tower, the, celebration of marriage in, ii. 116

Townshend, Charles, Lord Hardwicke's Marriage-bill opposed by, ii. 183

Trent, Council of, decree limiting

the relationships occasioned by baptism issued by, i. 119  
 Tudor, Margaret, sister of Henry VIII., pleas on which the nullification of two marriages were obtained by, i. 109; costume worn at her marriage by, i. 176  
 Turner, Miss, her abduction by Edward Gibbon Wakefield, ii. 225

**UNDER** the Rose, Lævinus Lemnius on the origin and meaning of the expression, i. 191

**VEIL**, the use, as an article of bridal attire, of, i. 177, 179

Vernon, Mr. a priestly bagpiper commemorated by, i. 256

Vernon, Mr. actor, driven from the stage for his testimony against a lawless parson, ii. 201

Vives, John Lewis, his counsel to young ladies, i. 305; on the discipline of their feelings by women, ii. 8; model for a wife recommended by, ii. 18

**WAKEFIELD**, Edward Gibbon, his trial for the abduction of an heiress, ii. 212; curious examination of a witness at the trial of, ii. 213, *n.*; history of the abduction of Miss Turner by, ii. 225

Waldauve, Clara, of Bruges, recommended by Vives as a model for ladies, ii. 18

Waldegrave, the Countess-Dowager of, romantic marriage of, ii. 234; unhappy consequences of the marriage of, ii. 247

Walpole, Horace, characteristic contradiction of, i. 179; sensible wedding of his niece, i. 180; remarks on the endowing purse by, i. 187, *n.*; family reasons for the defence of irregular matrimony by, ii. 174, *n.*; Lord Hardwicke's Marriage-bill opposed by, ii. 183; a mistake by Lord Dover in his edition of the letters of, ii. 190, *n.*; his bitter language respecting Lord Hardwicke's Marriage-bill, ii. 191; vanity on the marriage of

his niece to a royal duke displayed by, ii. 243; letter on the marriage written to Horace Mann by, ii. 246, *n.*; his snobbish delight at his niece's exaltation, ii. 208

Wales, traces of marriage by capture in, i. 242

Ward of Chancery, a, irregular marriage of, ii. 180

Wed, origin and significance of the word, i. 6

Weddings, race for the festal house after, i. 245; music for the celebration of, i. 252; curious old mode of enforcing the remembrance of, i. 253; Hogarth's illustration of the drummer's *réveillé* after, i. 255; disorderly revellings in the time of Elizabeth at, i. 263; lucky and unlucky days and months for, i. 285; ballad on the day for the celebration of, i. 289; relinquishment of Sunday as a convenient day for, i. 291; prejudice against May as an unlucky month for, *ib.*; droll beliefs in Scotland respecting fortunate and unfortunate days for, i. 294; modern doggerel on lucky and unlucky days for, i. 295; hours for the celebration of, i. 296; inconvenience of the canonical hours for the solemnization of, i. 298; probable change of hours for, i. 301; a singular celebration, at Leicester, of, ii. 91

Wedding-ring, the, superstitious regard for, i. 138; objections of the Puritans to, *ib.*; the material of, i. 139; strange substitutes for, i. 141; metal of which generally made, i. 143; various fashions and ornaments of, *ib.*; the old writers of posies for, i. 144; records of royal specimens of, *ib. n.*; sentimental, absurd, and punning mottoes for, i. 145; how simplicity became the badge of, i. 147; symbolic signification of, i. 148; Wheatley on the origin of, i. 149; superstitions still current respecting, i. 160; indication of respect, in the time of the Puritans, for, i. 271

- Weddings, royal, annals of, i. 50 ; splendour under the Plantagenets of, *ib.* ; monkish illustrations of, i. 51 ; arrangements for blessing the bed at, i. 248, *n.* ; use of the stocking and cup at, i. 250
- Wedding-sermons, ordained by the Reformers, i. 262 ; received with great satisfaction, i. 263 ; time for the delivery of, i. 264 ; psalm chanted in honour of the bride, after, i. 265 ; amusement and edification furnished by the perusal of, i. 266 ; specimens, from Master Henry Smith, of, i. 267 ; from Nathanael Hardy, i. 269 ; from William Secker, i. 271 ; Sir John Birkenhead's charge against those preached by divines of the Commonwealth, *ib.*
- Wedlock, stories illustrative of the eccentricities of, ii. 91, *et seq.*
- Wheatley, reason for the choice of the ring-finger given by, i. 154, *n.*
- Whitsuntide, marrying in London, in the eighteenth century, in, i. 294
- Widowhood, origin of the prejudice against widows marrying in the first year of, i. 8
- Widows, proper costume at their second marriage for, i. 168
- Wife-beaters, opinion of the gentlemen of Elizabethan England on, i. 329 ; obloquy thrown by the clergy in the seventeenth century on, *ib.* ; extracts from an Elizabethan homily on, i. 330, *n.* ; Henry Smith and Jeremy Taylor on, i. 331 ; Dr. Gager's speech, at Oxford, on the rights of, i. 332 ; Mr. William Heale's 'Apology for Women' against, *ib. n.* ; Mr. Moses à Vautz's defence of the rights and privileges of, i. 334 ; opinion at the close of the seventeenth century on the rights exercised by, i. 337
- Wife-selling, causes of, ii. 304
- Wigmore, Rev. Daniel, a noted Fleet parson, ii. 153
- Williams, Lord Keeper, anecdote of, ii. 59
- Wilkinson, Dr. John, sketch of his history, ii. 192 ; curiosity to hear the 'condemned sermons' preached by, ii. 193 ; celebration of illegal weddings by, ii. 194 ; considerate conduct of Government to, ii. 195 ; his escape from the Royal Chapel, Savoy, ii. 196 ; a curate employed by, ii. 197 ; the trial and sentence of, ii. 197 ; Tate Wilkinson on the character and fate of, ii. 198
- William the Conqueror, spurious anecdote of, i. 319
- Willow, to wear the, origin and significance of the expression, i. 173, *n.*
- Wills, frauds with, ii. 98, *et seq.*
- Wives, Diogenes on the least objectionable kind of, i. 276 ; proverbial lore on the duties of, i. 346 ; exemplar for, ii. 18 ; anecdote on the choice of, ii. 23 ; Sir John Davis' poetical presentment of a model for, *ib.* ; law respecting the property of, ii. 46 ; frauds attempted or executed by, ii. 98 ; the sale and interchange of, ii. 297 ; cases of the transference of, ii. 300 ; folk-law regarding the sale of, ii. 304 ; recent sales of, ii. 305 ; the priests, in mediæval England the protectors of, *ib.* ; question regarding the remarriage of, ii. 327
- Wolstonecraft, Mary, her vindication of the rights of women, ii. 37
- Women, their claim to be their own mistresses, i. 24 ; condition, among the Anglo-Saxons, of, i. 25 ; laws for the protection of property in, i. 34 ; benefits conferred by the Church on, i. 120 ; Wife of Bath's view of history written by, i. 344 ; proverbial lore on the beauty of, i. 345 ; proverbs on the craft and dissimulation of, i. 347 ; on the fickleness and hesitancy of, i. 348 ; restraints of law and custom mitigated by the natural forces of, ii. 1 ; severe treatment in the days of chivalry of, ii. 3 ; debasing influence of the lash on,

ii. 4; Lævinus Lemnius on the irascibility of, ii. 6; severity, in former times, of, ii. 8; Lewis Vives on the discipline of their feelings by, *ib.*; their relation in feudal times to their husbands, ii. 9; illustrations from Chaucer of the submissiveness of, ii. 11; improved position of, ii. 34; early vindication of the rights of, ii. 35; demand for medical education by, ii. 41; their cause injured by injudicious champions, ii. 45, 49; advantages derived from clerical wedlock by, ii. 52; marriages of persons of their own sex to, ii. 98;

anomalies of the law respecting the abduction of, ii. 217; defects of our ancient laws in their treatment of, ii. 290

Wyatt, Rev. Walter, a Fleet parson, some particulars of the career of, ii. 155

YORKSHIRE, and northern counties, wedding usages in i. 203

ZION CHAPEL, Hampstead, advertisement of weddings at, ii. 147

THE END.

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